SPECIAL COURT FOR SIERRA LEONE

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Wednesday, May 05, 2004

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Red Cross Points Out Precondition for Sustainable Peace

The NEWS (Monrovia)
NEWS
May 4, 2004
Posted to the web May 4, 2004

By Bobby Tapson
Monrovia

The Liberia National Red Cross Society (LNRCS) says it believes that a complete physical and psychological disarmament of all combatants at all levels and the removal of all forms of discrimination against the most vulnerable population, is the essential precondition for restoring lasting and sustainable peace in Liberia.

LNRCS Acting President, Dr. Theresa Leigh-Sherman made this observation Saturday at the Society's Lynch Street Headquarters at a joint news conference hosted by the Red Cross Family comprising the LNRCS, the International Committee of the Red Cross and the International Federation of the Red Cross Societies. The news conference was in observance of the Red Cross Month of May.

Traditionally, the month of May each year is observed worldwide to commemorate the birth of the International Red Cross and Red Crescent Movement.

The Theme for this year's celebration was, "Stop Discrimination" as it relates to all persons affected by conflicts, natural disasters, poverty and the dreadful HIV/AIDS disease.

Dr. Sherman said the efforts of the international community to help restore peace to Liberia was laudable.

"We are also encouraged by the positive gains being made thus far in the ongoing DDRR exercise", she said.

She told journalists that the HIV/ADIS epidemic poses a threat for the survival of mankind in both the developed and developing countries.

Dr. Sherman said statistics have shown that for more than two decades, millions of people have died and still millions others are suffering and living with ADIS.

The Red Cross boss cited Liberia as an example where Government release put the prevalent rate of HIV/AIDS cases at 82 percent.

On the issue of armed conflict, Dr. Sherman noted that it often result in the displacement of civilians both internally and across international borders most of whom are women, children and the elderly. And in most cases, women and children are victims of sexual violence and abuse.

As such, "the LNRCS, is today sending out a rallying call for the protection of human dignity, most especially, the protection of women and children, who are frequently the victims of violence and the threat of disease, including the deadly HIV/AIS."

Dr. Sherman said the press conference was first in the series of the month-long events organized by the three components in Liberia as they joined some 181 members national societies of the movement in observing the Red Cross Month.

Addressing the press briefly, Reto Stocker head of the ICRC delegation, reiterated the plea of Dr. Sherman

and stated that the guarding principles and foundation of the Movement today remains as relevant as in the past.

He said within the complex situations of war, Christians, Muslims, women, children among others need protection and care without discrimination.

Mr. Stocker reminded Liberians that 14 years of a dramatic war is over which has given the Red Cross assess to every part of the country.

"After the war, many good things are coming for Liberia and Liberians and I hoped that the ICRC, the Federation and the LNRCS would play an active and constructive role in the process", he added.

EIR Executive Intelligence Review

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This article appears in the May 7, 2004 issue of ***Executive Intelligence Review.***

Can We Learn the Lessons From the Genocide in Rwanda?

by Uwe Friesecke

The world is commemorating the horrible end-phase of the war in Rwanda, ten years ago, when hundreds of thousands of Rwandans lost their lives. The United Nations, the Rwandan government, and many so-called experts have defined as genocide only the events between April and July of 1994, and insist that the discussion be limited to what happened inside the government-controlled area of Rwanda during that period. Certainly the extent of violence and brutality that human beings inflicted upon their fellow citizens, often their nearest neighbors, was unbelievable. The systematic slaughter of civilians who were selected for murder because of their group characteristics went beyond the limits of human comprehension. The killing of about 800,000 people within four months in Rwanda is only rivaled by the mass killings of the civilian population of Cambodia between 1975 and 1978. It clearly was one of the worst human catastrophes since World War II.

We should lament the fact that the four Western governments which could have intervened by military force in April 1994 to stop the killings—the United States, Britain, France, and Belgium—did not, even though they were fully aware of the consequences. We should also ask, what lessons the United Nations should learn from the experience of utter failure in 1994. But, unfortunately, so far, this discussion has served more to exculpate those whose actions *before* 1994 set the dynamic for genocide into motion, rather than clarifying the needed lessons to be learned. When Yoweri Museveni and Paul Kagame, the current Presidents of Ugandan and Rwanda, commemorated the dead from 1994 at a state ceremony in Kigali, Rwanda, on April 7, 2004, it was a cynical insult to the countless victims of the wars of the last 14 years in Rwanda, Burundi, Democratic Republic of the Congo (formerly called Zaire), and Uganda. because these two dictators carry part of the responsibility for it. The seemingly sincere confessions of UN Secretary General Kofi Annan and of Western governments for their failure in 1994 are, unfortunately, covering up the fact that their guilt reaches much further than not having stopped the killing. All protestations to the contrary, neither the UN nor the Western governments have learned the lessons.

The Rwanda disaster happened as an integral part of a nasty Anglo-American neocolonial policy for the continent. The essence of this policy is, that conflicts can be manipulated to establish power structures in Africa, which continue the looting of raw materials by Anglo-American companies, with French companies as junior partners. And from that point of view, conflicts in Africa are *necessary*, to prevent African governments from using the riches of their countries for the development and economic well-being of their people. The tragedies of Uganda, Rwanda, Burundi, and Congo clearly show, how Western governments regularly disregard principles of international law, if they conflict with the realization of their own interests of power.

Ironically, it was the London *Times*, which, on April 7, admitted to the guilt of the Anglo-American establishment. "We rarely hear about the West's more recent sins of commission," wrote Mick Hume. "Paul Kagame, the Rwandan President, has accused France of helping to prepare the genocide by supporting the Hutu-dominated regime. Rather less is said about American and British support for the other side in Rwanda's civil war—Kagame's Tutsi-led Rwandan Patriotic Front. The RPF was based in and backed by Uganda, the main Anglo-American proxy in the region. Rwandan rebels in the Ugandan military received training from the British. Kagame attended a U.S. army and staff college in Kansas." The commentary even blamed the international financial institutions for their role: "By 1994, Western interference—and a harsh World Bank 'adjustment' programme—had helped to turn Rwanda into a tinderbox."

The genocide of 1994 in Rwanda was the culmination of a process of reorganization of the power structures in East/Central Africa during the 1990s, a policy of "regime change"—even at the price of genocide. This policy had been pushed since the 1980s by one faction of the Anglo-American establishment. It succeeded, and brought governments to power which are, to this day, dependent on the Anglo-Americans. The dictatorships in Kampala (Uganda) and Kigali (Rwanda), as well as the fragile regime combinations in Bujumbura (Burundi) and Kinshasa (Congo), keep the raw materials-rich region under control for unlimited looting of gold, strategic metals such as coltan, as well as diamonds and timber. The claim by those regimes and their backers at the UN and in Western governments, that they have brought democracy, good governance, and economic development to their countries, is a crude joke. Everywhere the population continues to suffer from increased poverty and violence, as is most dramatically the case in Museveni's Northern Uganda. In Rwanda, the old oligarchy, which had ruled the country up until 1959, has returned from exile and established an iron grip over the country, and, blessed by the UN and the international community, silenced any opposition. As the London *Times* also pointed out, Kagame's government has skillfully manipulated the memory of the 1994 genocide to its own advantage. It, in particular, managed to avoid being held responsible for the well-documented crimes that Rwandan troops committed later on, in the 1998-99 war in Congo.

British- and U.S.-Sponsored Wars

Typical of the one-sided experts in the Rwanda genocide debate is Alison Des Forges, senior advisor to Human Rights Watch, New York. At a seminar at the beginning of March 2004 at the Protestant Academy in Loccum, Germany, she blamed the U.S. and British governments for not having intervened in April 1994, but she denied their responsibility for the origin of the genocide. She declared that they would have to answer many questions, but not to the charge of genocide. That charge would only apply to the perpetrators on the side of the Rwandan government in 1994, which was led by President Juvenal Habyarimana. The reality of what happened is thereby obscured, and those who are politically guilty at the higher level of strategic policy are not being called to account.

Through documents recently released from the U.S. National Security Archive and through various testimonies such as that from Canada's Lt.-Gen. Romeo Dallaire, who was UN force commander in Kigali in 1994, the U.S. and the British governments all the way through 1993 and 1994 were well informed about the escalation of violence in Rwanda. Dallaire's calls for help were always rejected. Germany's Gen. Manfred Eisele, who, in 1994, was Assistant Secretary General to Kofi Annan, then the Secretary General for Peacekeeping Operations at the UN, confirmed at the Loccum seminar, that a military

intervention would have been possible in April 1994 to stop the killings. Later on, with Operation Hope to help refugees in Goma, Zaire, the U.S. military gave an example of how fast a military intervention can be organized.

But, according to Eisele, in April 1994 neither the UN, nor the governments in the Security Council, had the political will to decide on such a military intervention. Besides the small, ill-equipped UN force (UNAMIR) in Rwanda, there were U.S. troops in neighboring Burundi, French troops in Rwanda and nearby Central African Republic, Belgian troops in Rwanda, and British troops in Uganda. Some of them were used to evacuate Western citizens from Rwanda when the killing escalated, but to use these available troops to beef up the UNAMIR force, as was demanded by General Dallaire, was not on the agenda. Only Nigeria presented a draft resolution to the Security Council on April 13, 1994 to strengthen UNAMIR. This was strongly rejected by Belgium, Britain, and the United States. On April 21, the Council voted to *reduce* UNAMIR's strength to 270 soldiers instead. At the same time, the Council voted to double the strength of the UN force in Bosnia.

The actions of the U.S. and British governments in the Security Council show that it was not neglect or unfortunate circumstances that led to the fateful decision to withdraw UNAMIR, but rather was conscious policy. The Anglo-American governments were simply determined to change the regime in Kigali and bring Kagame's RPF to power. To reach that strategic aim was regarded as more important than to stop the mass killings. Consequently, a military intervention was excluded, and by July 1994 between 500,000 and 800,000 Rwandans were dead.

To bring the RPF to power had been Anglo-American strategy since the beginning of the war in 1990. It guided the British and U.S. diplomatic approach to the peace negotiations in Arusha, Tanzania in 1993, where the Habyarimana regime was blackmailed to accept suicidal provisions in favor of the RPF. And it motivated the covert military support the RPF received from the United States and Britain.

Violation of the UN Charter

In October 1990, the RPF invaded Rwanda from Uganda, first under the leadership of Fred Rigyema, and then of Kagame, who, for that purpose, had returned from a military training course at Fort Leavenworth, U.S.A. In reality, the RPF was an integral part of Museveni's Ugandan army. The Ugandan government in turn could do nothing without the consent of the British and American governments. The Museveni-promoted attack by the RPF on Rwanda was by all standards an act of aggression against a legitimate government. It clearly violated the spirit and letter of the Charter of the United Nations. But Security Council permanent members the United States and Britain did nothing to condemn or stop the RPF war. On the contrary, after its initial defeat by the Rwandan army, the RPF was able to regroup and emerge much strengthened with manpower and equipment, in January 1991, for a new and lasting invasion of Rwanda.

Article 1 of the United Nations Charter states:

"The Purposes of the United Nations are:

"1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or

other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; ..."

Article 33 states:

"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

The RPF leadership claimed that they invaded Rwanda to settle the issue of refugees, and to change the Habyarimana government, because it was, in the opinion of the RPF, dictatorial. Obviously both reasons given, were no justification for war—especially since the Rwandan government in 1990 had already agreed to substantial compromises. A joint Rwandan-Ugandan commission had, with the help of the UN High Commission on Refugees, developed different options to reintegrate the refugees into Rwandan society, and President Habyarimana was willing to change the one-party state. So, the dispute between the Rwandan government and the large exile community was on its way to finding what the UN Charter's Article 33 called "a solution by negotiation, enquiry, mediation."

But despite the clear language of the UN Charter, the United States and Britain not only helped the RPF to start the war, but later on they legitimized the aggressor, the RPF, by giving it equal status with the Rwandan government in the Arusha negotiations.

The line of argument used by the RPF to justify war against Rwanda in 1990 resembles the arguments the G.W. Bush Administration made to justify war against Iraq. In both cases, the war was a violation of international law and the UN Charter. In Iraq, after the alleged existence of weapons of mass destruction proved to be a fraud, the only reason remaining was that Saddam Hussein's regime was dictatorial and oppressive. If such reasoning were accepted as justification for war, the world would plunge into never-ending wars. But, if it is politically expedient for the Anglo-American powers, the argument is used, no matter what the consequences are.

It may be no accident, that the origins of the RPF strategy to "solve" the Rwanda refugee problem by war, go back to the time of the senior Bush Administration in 1988, when the U.S.-government-funded Committee for Refugees, headed by Roger Winter, helped organize an RPF congress in Washington, where the strategy of war, not just to solve the refugee crisis, but for the RPF leadership to come to power in Kigali, was adopted.

Since that time, circles of the U.S. and British governments were organizing actively for the RPF, partly directly and partly through the government and military of Uganda. As the report of French judge Jean Louis Bruguière indicates (*EIR*, March 26, 2004), this operational support for the RPF apparently continued all the way until the fateful shooting down of the plane on April 6, 1994, killing Presidents Habyarimana and Cyprien Ntaryamira (of Burundi). If the operation was planned by Kagame and Museveni, it immediately raises the question, what U.S. and British intelligence services knew about it. Were they actively involved? From their record in Africa since the 1960s, it would not be surprising at all.

Genocide Continues

The genocide did not stop in Rwanda in July 1994, but continued in Congo in 1996, when Uganda and Rwanda organized a rebellion to bring Laurent Kabila to power in Kinshasa. Again U.S. and British government agencies participated, sometimes disguised as private groups. And both governments refused to intervene to save civilians from being murdered. Rwandan RPF troops in particular were chasing Rwandan refugees throughout Eastern Congo and killing them by the thousands. The UN knew it, the U.S. government knew it, and so did the British government. A U.S.-led military intervention to save the refugees was prepared, but then called off, with the cynical excuse that clouds prevented air reconnaissance from locating the refugees. Hundreds of thousands died in Congo in 1996, because the West refused to intervene. But even the toppling of former U.S. asset Mobutu Sese Seko from power in Kinshasa was not the end; Rwanda and Uganda started another war of rebellion in Eastern Congo in 1998, to replace Laurent Kabila. (He was assassinated in January 2001, and replaced by his son Joseph.)

More than 3 million people died in these wars in the Congo, which were part of the Western strategy of power changes in the region. And that strategy included genocide on an even larger scale than what happened in Rwanda. In total, more than 5 million died.

Individual killers, of course, carry personal responsibility for the crimes they committed, such as in Rwanda in 1994. But first of all, such guilt was not limited to one side of the war, and secondly, the strategists of Western governments, who did not personally kill anybody in these African conflicts, but designed the policies which were than implemented and caused the death of millions, must also be held responsible.

The Bruguière report establishes the RPF, under the direction of Paul Kagame, as the organizers of the shooting down of the presidential Falcon jet on April 6, 1994. In response, Kagame provocatively told journalists that he is not sorry for Habyarimana's death. He was also clearly willing to pay the price of the mass killings that ensued, against his own ethnic group, to gain power in Kigali.

The report of the French judge is not the first one to point to crimes of the RPF. But because of political pressure, other reports were suppressed, such as the Gersony report, which, in 1994, documented the massacres that the RPF committed against the civilian population during their march on Kigali. Also, the massacres of Rwandan refugees fleeing into Congo, by RPF troops in 1996-97, have been documented. Carla del Ponte, the chief prosecutor at the International Criminal Tribunal for Rwanda (ICTR) in 2003, had the material to hand down indictments against high officials of the RPF. But UN Secretary General Annan, under pressure from the U.S. government, forced her to resign from the ICTR.[1]

In response to the Bruguière report, the Association of Defense Lawyers at the ICTR has now demanded prosecution of members of the RPF, and extension of the ICTR's mandate to include the crimes committed in Congo.

The Ideologists of Violence

The alliances for warfare between Museveni's military and Kagame's RPF, which in the end embroiled Central Africa from Sudan in the North to Angola in the South, and former Zaire in the West to Rwanda and Burundi in the East in genocidal warfare, was not limited to East-Central Africa. The same phenomenon occurred in West Africa, with the destruction of Liberia and Sierra Leone. After the U.S. government

had helped to topple Liberian President William R. Tolbert in 1980, because of his desire for nonalignment, some French circles, through their former colony Ivory Coast were instrumental in building up Charles Taylor's so-called rebel movement. The leadership was recruited from a pool of Marxist radicals from West Africa, including Guinea, and who were trained in camps in Libya and Burkina Faso. Some of those radicals went to fight alongside Museveni in Uganda and rebel leader John Garang in Sudan.

Museveni himself, at the beginning of the 1980s, belonged to a group of revolutionary radicals in Dar Es Salaam, Tanzania, before he started his Libyan-supported guerrilla war in Uganda. There he met Fred Rigyema, later the first leader of the RPF; Garang, the leader of the Sudanese People's Liberation Army; Issays Afeworky, today's President of Eritrea; and Meles Zenawi, today's President of Ethiopia. Some have called this the Dar Es Salaam Kindergarten. But it was more a Dar Es Salaam-Ouagadougou-Tripoli network, whose revolutionary ideology was a brutal version of Frantz Fanon's theory of violence. Museveni and Taylor invented the phenomenon of the "child soldiers." This ideological background explains the unbelievable brutality which these rebel groups, including also the RUF in Sierra Leone, inflicted upon the civilian population, where violence was practiced for its own sake, as well as to gain power.

At the end of the 1980s, the British and U.S. governments proclaimed these so-called revolutionary leaders as the new leaders for Africa. Instead of Marxism, they, led by Museveni, adopted radical free-market economics, much to the liking of the New York and London financial institutions. Right after he took power in Uganda, President Museveni was visited by Britain's Secretary for Commonwealth Affairs Lynda Chalker, and has been praised ever since as a shining example of new African leadership. Except for Charles Taylor, most of the other radicals have, in the meantime, become the willing executioners of mostly Anglo-American neocolonial policy for Africa. Soon, they may put the last of their number, John Garang, into power in Khartoum. The wars that most of these leaders conducted fitted very well into the geopolitics designed for Africa in London, Washington, Paris, or Brussels.

IMF Austerity Paved the Way to War

The guilt of Western governments arises not only from the fact that they were so deeply embroiled in the destructive warfare in Rwanda, and later also in Congo. Western economic policy must take full responsibility for having ruined Rwanda by 1993, so much that the country and its government simply disintegrated. In 1984, in the middle of a devastating drought, the International Monetary Fund (IMF) and World Bank forced President Habyarimana to adopt Rwanda's first structural adjustment programm, called "rigor and austerity." At the end of the 1980s, world market prices for coffee, Rwanda's main export crop, collapsed, reducing government earnings by 50%. But instead of giving the country some relief, the IMF demanded even harsher measures. In November 1990, after the RPF had attacked, the Rwandan franc was devalued by 40%, causing a drastic increase in inflation of consumer prices. In 1992, in the middle of the war, another 15% devaluation followed, driving prices for food and fuel even higher. The government had to retrench its civil service, which affected tens of thousands of families. And a yearly payment of about $10 million to service the foreign debt, did the rest of the damage. Burdened by more than a million internal refugees, who had fled the advancing RPF troops, the country was plunged into despair.

In this respect it is also clear that no lessons have been learned. The IMF still insists that the Rwandan government follow its structural

adjustment program and pay the debt, above all else.

The genocide in Rwanda, Congo, and Burundi during the 1990s marks one of the darkest chapters of global policy after World War II. Led by the Anglo-American powers, but not opposed by any other power, African people were condemned to go through another version of colonial oppression, called globalization. And to this day there are enough African leaders and governments who willingly become complicit in this policy. The aspirations of the independence movements of the 1950s and '60s have been crushed. The leaders of that noble struggle were removed from power or killed. Africa has been denied the inalienable right for development. Instead of helping to prevent conflicts in Africa, the West promoted conflicts. It therefore becomes absurd when the discussion today focusses primarily on strengthening the African institutions for peace-keeping. As useful a role as the Economic Community of West African States (ECOWAS) played in Sierra Leone or Liberia, those interventions cannot substitute for the lack of a policy to prevent conflicts from originating in the first place.

The Alternative: Peace Through Development

Over the last ten years, Lyndon H. LaRouche, Jr. has led an international campaign against those in the Anglo-American establishment who are responsible for the genocidal policies in Africa. His Africa policy is a complete rejection of the neocolonialism which is so deeply embedded in London, Washington, Paris, and Brussels.

LaRouche and the Schiller Institute sponsored a seminar in April 1997 in Germany, titled "Peace Through Development in Africa's Great Lakes Region." The core of that policy is a great infrastructure project, called Transaqua, which comprises the construction of a canal from Southern Kivu in Congo through Central Africa, to link up to the Chari River system, which feeds into Lake Chad at the northeast corner of Nigeria. The canal would divert 100,000 million cubic meters/year (5% of the total discharge of the Congo River) of fresh water from the Congo basin northwards to the Sahel area. The water would open up new land for irrigated agriculture, and, combined with new roads and railways, the entire Eastern Congo and Great Lakes region could be developed economically.

Transaqua was designed by an Italian engineering firm during the 1980s, and it was put on the agenda of the international economic and financial institutions. This could have become a vision for Peace Through Development for the entire region, and formed the economic basis for peacefully resolving the long-simmering refugee crisis in Rwanda, Burundi, and Uganda. But Western governments and the World Bank rejected Transaqua, and, instead, opted for war.

LaRouche has supported Transaqua as one key regional project for the development of the African continent as a whole. Large-scale infrastructure projects in Africa would be part of LaRouche's program for the establishment of a new, just world economic order. If the international community were serious about lessons learned from the Rwanda genocide, it would finally begin to discuss and implement this policy. In that way, the dead of Rwanda, Congo, and Burundi could be honored truthfully, and the surviving victims consoled, with the prospects of a bright future.

[1] See also Lyndon H. LaRouche's commentary on the dangers of such supranational tribunals, "An Imperial Criminal Court," *EIR*, July 19, 2002. With reference to the establishment of the International Criminal Court in the Hague, LaRouche warned that "the thing to be

feared more than either war or crimes against humanity, is the establishment of an imperial form of 'world rule of law'..."

War Crimes Trial Sought for Blair Over Iraq

LONDON (AFP) — Lawyers opposed to the Iraq war asked the International Criminal Court to look into whether Prime Minister Tony Blair should be indicted for war crimes.

In its petition to the court in The Hague, Legal Action Against War accused Blair of intentionally launching an attack on Iraq knowing it would cause incidental loss of life or injury to civilians.

Besides Blair, the group's petition names Foreign Secretary Jack Straw, Defense Secretary Geoff Hoon, and Attorney General Lord Peter Goldsmith who advised Blair's government on the legality of the Iraq war.

"The consensus of international legal opinion suggests that the basis for the war was illegal," said Michael Mansfield, a high-profile lawyer with a reputation for taking on tough-to-win cases.

Mansfield said the war -- which began when U.S. and British forces invaded Saddam Hussein's Iraq on March 20 last year -- would only have been legal with UN backing.

Even then, he added, the U.S.-led coalition could not have used more force than was necessary -- meaning that it was illegal for warplanes to drop cluster bombs on Iraqi targets.

Legal Action Against War filed its petition as Blair resisted pressure to publish Goldsmith's confidential findings on the legality of the Iraq war, which were presented to the government just days before it began.

Clare Short, who quit Blair's cabinet in May last year in protest over the war, claimed over the weekend that Goldsmith, the government's top legal adviser, was "leant on" to conclude that the war was legal.

Speaking at a press conference in London, Mansfield said he was not prejudging the allegations, but felt that it was vital for the International Criminal Court to investigate them.

"We are saying there are matters here that prima facie need to be investigated," he explained.

He styled the case as a test of the credibility of the International Criminal Court, which became a legal reality in July 2003 with a permanent mandate to try war crimes, crimes against humanity and genocide.

"Is the ICC to turn its back on and say it will only look at banana republics or African states or countries that have greater

vulnerability than the leaders of the West which can operate above and beyond the rule of law?" he asked.

Mansfield acknowledged that there would be "extraordinary reluctance" in The Hague to indict serving government ministers, but there was nevertheless "a real case" that they should be investigated.

Support for the petition was voiced by Lord Stoddart, who was formally expelled from Blair's governing Labour Party in January 2002 after increasingly falling out over its policies.

"We believe the war was illegal and unjustified and resulted in thousands of deaths and injuries to innocent Iraqis and our own armed forces," Stoddart said.

He also said the war had done huge damage to Britain's reputation as a country which upheld the rule of law. CAPTION MANSFIELD

The Independent (London), May 5, 2004

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The Independent (London)

May 5, 2004, Wednesday

SECTION: First Edition; COMMENT; Pg. 31

LENGTH: 1180 words

HEADLINE: IF YOU REALLY WANT TO HELP AFRICA, MR BLAIR, THERE IS SOMETHING THAT YOU COULD DO...

BYLINE: JOHANN HARI

BODY:
Zsa Zsa Gabor once said: "I never hated any man enough to give him back his diamonds." As Tony Blair's Commission for Africa met for the first time yesterday, it is worth pondering her words.

The worst civil wars in Africa are fuelled by diamonds. African rebels buy their massacre-hungry weapons with the gems, and we in the West happily hand over the cash. Diamonds are not an African's best friend: the almost biblical slaughter in the Democratic Republic of Congo - where three million people have been murdered in the past five years - is funded by rocks glistening on the fingers of Western women. If the rest of the world stopped buying these diamonds we would choke off much of the killing. African militias really are getting blood out of a stone.

If the Prime Minister is serious about helping Africa, here is one hard, practical policy area in which he has the power to make a difference. The world's diamond industry operates out of London. Sixty per cent of all rough diamonds make their way through our capital. Tony Blair has to decide: does he love Africans enough to make us leave their havoc- wreaking diamonds alone?

The central myth of Blair's premiership has been the belief that you can improve the lot of the poorest without challenging the powerful; that we can all move forever upwards on the benign New Labour escalator. Sometimes it works, but more often it fails. To "sort out" Africa - as he says he wants to - Blair would need to challenge some powerful forces. He could face down the **International** Monetary Fund about the disastrous market-fundamentalist programmes it forces on African economies. He could face down our own heavily subsidised farmers, explaining that their cash payouts are starving African farmers by making it impossible for them to compete. He could stop licensing British arms companies to sell expensive military technology to countries with starving populations.

There was no mention of any of this at the launch of the commission yesterday. And there was silence when it came to diamonds. Here Blair has a stark choice: does he act in the interests of a powerful lobby serving billionaires, or the interests of millions of the most desperate people with no lobbyists and no voice?

His record on conflict diamonds is not entirely bad. The Government played a key role in pressing for the Kimberly Process, a system of voluntary self-regulation for the diamond industry. The process was finally formalised last year, when the diamond trade agreed to stringent rules.

But the very idea that this industry could be trusted to regulate itself was always - as so often with Blair's actions - too optimistic. The amoral core of the diamond industry can be seen in its recent past. Just over 150 years ago Cecil Rhodes founded the industry in its modern form by cleansing areas he thought might contain diamonds of the local "niggers", taking them back only as slaves to work in his mines.

The continuities from that period to this are striking. Ethnic cleansing of people unlucky enough to live on top of potential diamond mines continued until the 1980s. Sections of the diamond industry were severely condemned by the UN as recently as 2000. Is the slaughter of black Africans still - as it was for Rhodes - a negligible concern when there are gems to gather?

The evidence about the voluntary approach is now in. Global Witness, a Nobel peace prize-nominated organisation, has conducted an extensive survey of the sale of conflict diamonds in the US, where 50 per cent of all diamonds are sold. The implementation of the Kimberley principles was "abysmal", they found, and even now, "five years after the conflict diamond issue came to the forefront, a large proportion of the industry is still in denial that there was ever a problem. It has instead focused its energy on a public relations campaign to try to make the issue go away."

When the diamond companies lie, Africans die. But just in case you think this is only a matter for Africans and bleeding hearts, there's more. It has been demonstrated beyond doubt - by The Washington Post and others - that al-Qa'ida has been using diamonds to finance terror cells since at least 1993. The US General Accounting Office conceded in November 2003 that diamonds were being used by al-Qa'ida to "earn money, move money and store money". Yet the Bush administration has done almost nothing, allowing the billionaires of the industry to carry on "voluntarily" policing themselves.

In the absence of our leaders acting to stem a major funding stream for terrorists and murderers, we can all work individually to stigmatise conflict diamonds. Nobody would be so stupid as to walk down a British high street wearing a fox-fur, or turn up at a party wearing mink. They would - quite rightly - be barracked and harangued. We need to start doing the same with people who wear diamonds. Demand to know: where did you get your diamonds? Do you know their origin?

I fear, however, that it will be harder to get people to sympathise with black Africans than with cute fluffy foxes. But Blair is in a perfect position to change the trade in conflict diamonds more quickly than the slow cultural shift that we can effect. Here is one of his favourite themes, the idea that terrorism and global poverty are intertwined. Here's a way to fight terrorism that also benefits some of the worst-off humans alive. Here is a global industry over which he has more power than any other world leader. He has no excuses.

The programme is simple and radical: no more relying on the benevolence of the diamond industry. The only way to enforce the Kimberley principles is to give them legal force. Blair can institute a legally enforced ban on conflict diamonds being sold or treated in Britain, and encourage the spread of this ban, just as he championed the landmine ban now ratified by 140 nations. He can require that every diamond sold in Britain be strictly licensed to show it is not from a conflict zone. Throw anybody who breaks the rules into jail for aiding and abetting murder.

Blair has the power to begin right here, at the glittering, festering heart of the industry. One Bill through parliament and he can create a model that would soon spread throughout the democratic world. Of course the diamond industry would howl, but its voluntary framework is failing. If Americans were dying, would we even consider making regulations to save their lives contingent upon voluntary corporate benevolence? Any petulant complaints from the diamond industry will only make the demand for a global ban even greater.

Blair can go further and echo the call of several development charities for anybody caught trading in conflict diamonds to be tried before the **International Criminal Court** as accomplices in ethnic cleansing and mass murder. The effect upon some of the worst conflict zones in Africa would begin to be felt within a few years. Now, that would be a legacy; that would be an Africa commission worth leading.

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LOAD-DATE: May 4, 2004

The Washington Post
washingtonpost.com

The Washington Post

May 5, 2004 Wednesday
Final Edition

SECTION: A Section; A24

LENGTH: 1056 words

HEADLINE: Khmer Rouge Trials Stalled by Political Deadlock

BYLINE: Alan Sipress, Washington Post Foreign Service

DATELINE: PHNOM PENH, Cambodia

BODY:

Preparations for a tribunal to try the aging leaders of the Khmer Rouge for crimes against humanity are behind schedule because of a political deadlock in Cambodia, according to a senior U.N. official and diplomats.

U.N. and Cambodian officials agreed last June after prolonged negotiations to create a **special court** to try Khmer Rouge leaders. The deal still requires ratification by the country's National Assembly.

Yet nine months after Cambodia held national elections, the country remains without a functioning parliament, and the prime minister, Hun Sen, has been unable to assemble a ruling coalition, because the three main political parties remain deadlocked in a squabble over their roles in a future government.

Cambodian officials and foreign diplomats said they could not predict when the parliament will convene, creating uncertainty about the tribunals and the raising of an estimated $60 million needed to finance them from international donors.

Karsten Herrel, U.N. coordinator for assistance to the Khmer Rouge trials, said preparations have faced an "uphill struggle" in the absence of a ratified agreement.

"Let's assume the National Assembly had been able to meet in July or August of last year after the signature of the agreement, I'm sure preparatory work would have started earlier and there would have been an earlier mobilization of donors given the prospect of moving forward," he said in telephone interview from New York.

U.N. and Cambodian officials, however, have continued to discuss logistics for a special tribunal. They decided that a theater in Phnom Penh would be converted into a courthouse, and investigators, prosecutors, judges and other court staff would operate from offices in the National Cultural Center.

"We try to put the unfortunate stalemate to good use to do as much preparatory work as possible," Herrel said.

Under the agreement, the court would operate under Cambodian legal jurisdiction and with a majority of Cambodian judges. Some human rights groups, however, have questioned the objectivity and competence of Cambodian judges to try former Khmer Rouge leaders, citing the

fact that Hun Sen and others in the government were themselves once in the Khmer Rouge and could be tarred by the trials. The panel would also include international jurists; decisions would require the support of both Cambodian and foreign judges.

The agreement calls for the prosecution of senior leaders of the Khmer Rouge, a communist group that ruthlessly ruled Cambodia between 1975 and 1979 and was blamed for the deaths of about 1 million people. The agreement does not name the suspects, but Cambodian experts and foreign officials agree that five to 10 former Khmer Rouge leaders are likely to be indicted. They include Ieng Sary, a former deputy prime minister, and his wife, Khieu Thirith; Khieu Samphan, a former primer minister; Nuon Chea, a former top Khmer Rouge leader; Ta Mok, a former military commander; and Kang Kek Ieu, a former prison camp commander known as Comrade Deuch. The head of the Khmer Rouge, Pol Pot, died in 1998.

Herrel said he expected the entire process to last three years. The estimated $60 million expense is to be divided between the United Nations and Cambodia. With the Phnom Penh administration strapped for money, though, officials said both sides would turn to foreign governments for support.

But even the preliminary task of a setting a Cambodian government budget for the process has been hamstrung by political deadlock.

Hun Sen's Cambodian People's Party won more than half the votes in the July election but failed to gain a two-thirds majority required to form a government. Since then, his party has held sporadic talks with the opposition, including a former coalition partner, the royalist Funcinpec Party, but negotiations have produced more recrimination than results. The bargaining now focuses on a possible compromise that would bring Funcinpec back into a governing coalition along with members of the opposition Sam Rainsy Party while excluding that party's leader, Sam Rainsy, one of the prime minister's most bitter adversaries.

A similar standoff in 1997 provoked armed clashes between forces loyal to the Cambodian People's Party and Funcinpec, in which about 100 people were killed. Cambodian and foreign political observers, however, said they did not expect violence this time because most weapons are now in government hands and Hun Sen has shown little sign of wanting to resolve the deadlock by force. He has continued to run daily affairs as the head of a caretaker administration.

The absence of a functioning parliament has not only set back the Khmer Rouge tribunal but also has delayed votes on Cambodia's accession to the World Trade Organization, and has adversely affected foreign investment and aid from international donors, according to Cambodian officials and foreign diplomats.

Helen Jarvis, an adviser to the Cambodian government task force on the Khmer Rouge trials, said she did not expect the agreement with the United Nations to face major obstacles once the National Assembly convenes.

"The government indicated it will give high priority to the legislation. We don't expect a problem," Jarvis said.

Western and Asian diplomats said the delay in establishing the Khmer Rouge tribunal, which could set an important precedent for legal accountability, is holding back efforts to promote a functioning court system in a country that remains highly corrupt and often lawless.

"The Cambodian government realizes they need to change the atmosphere of impunity and also improve the judicial system," said Japan's ambassador to Phnom Penh, Fumiaki Takahashi, whose country will likely be one of the main financial backers of the **special court.** "This tribunal will send a big message in this regard."

Diplomats and Cambodian human rights activists warn that time is running short to try the aging Khmer Rouge leaders, many of whom are now in their seventies and could die before the trials convene. But Youk Chhang, whose Documentation Center of Cambodia has taken the lead

in collecting documents and personal testimonies about Khmer Rouge atrocities, said his primary concern is that survivors of the genocide are also growing old.

"What I worry about is the victims dying without justice being done," he said.

LOAD-DATE: May 5, 2004

May 5, 2004, Wednesday, BC cycle The Associated Press State & Local Wire

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May 5, 2004, Wednesday, BC cycle

2:15 AM Eastern Time

SECTION: State and Regional

LENGTH: 597 words

HEADLINE: Mexican delegation aims to stop man's execution

BYLINE: By JULIE E. BISBEE, Associated Press Writer

DATELINE: OKLAHOMA CITY

BODY:
Mexico's ambassador to the United States and four members of the Mexican Senate are expected to attend a clemency hearing this week to argue that a recent World Court ruling should stop a Mexican citizen from being executed in Oklahoma.

Osbaldo Torres is among 51 Mexican nationals on death row across the United States who were denied the basic right to contact their consulate for legal assistance under the 1963 Vienna Convention, according to a ruling by the United Nations' Court of **International** Justice.

Torres, 29, is the first defendant to seek relief under the court's March 31 ruling.

Charlie Price, a spokesman for the Oklahoma attorney general's office, said the office has continued on with the case, despite the ruling.

"It's still going forward at this point," Price said.

Mexican Ambassador Hon. Carlos de Icaza has asked to speak Friday during Torres' clemency hearing before the Oklahoma Pardon and Parole Board.

Torres, a native of Nuevo Leon, Mexico, faces a May 18 execution if the board denies his request and his appeals are unsuccessful.

Mexican Sens. Silvia Hernandez, Miguel Sadot Sanchez, Hector Osuna and Raymundo Cardenas are also expected to attend the hearing, according to a letter sent to the parole board from the Mexican Consulate.

Attorneys for Torres argue that he and his family were never told they could contact the consulate for assistance in his defense. Torres' parents, who illegally crossed from Mexico into the United States in the mid-1980s, saved their earnings from Torres' father's welding job and his mother's cleaning work to pay for their son's legal defense.

The Torres family didn't contact the consulate until Torres had been on Oklahoma's death row for nearly a year.

Torres was convicted in 1996 of burglary and first-degree murder for the deaths of Francisco Morales and Maria Yanez. The couple were shot and killed as they lay in bed in their Oklahoma

City home.

Torres' first trial ended when the jury could not reach a verdict. In his second trial, Torres and co-defendant George Ochoa were both found guilty and sentenced to death for the 1993 murders.

Mexican officials are also expected to argue that the state had shoddy circumstantial evidence linking Torres to the murders.

"This is a case of innocence," said Sandra Babcock, a Minneapolis attorney working on the case for the Mexican government. "The fact that Mexico has reviewed Oklahoma's death penalty cases and he is the least culpable to be put to death, that makes this case special and worthy of attention at a higher level."

A witness who testified that Torres took a gun from his car and tucked it into the waistband of his pants later recanted her testimony. On appeal, the Oklahoma Court of **Criminal** Appeals ruled that there was no evidence to directly link Torres to the couple's deaths.

While he didn't see the shooter's face, Morales' 11-year-old son described Ochoa as the shooter.

Physical evidence of Torres' involvement in the crime has also come into question.

Fired Oklahoma City police chemist Joyce Gilchrist testified that blood found on Torres' shirt was consistent with Torres, Ochoa or Morales. When Torres' attorneys later requested the clothing for DNA testing, it could not be found.

"I think she was probably lying," Babcock said. "Apparently the shirt has disappeared, and there's no way to disprove what she said. But you have to assume that she was either lying or exaggerating."

Gilchrist was fired in 2001. Two men who were imprisoned based on her testimony have been exonerated.

GRAPHIC: AP Photo OKOK101

LOAD-DATE: May 5, 2004