PRESS CLIPPINGS

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

Wednesday, October 06, 2004

The press clips are produced Monday to Friday.
If you are aware of omissions or have any comments or suggestions please contact
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SECTION: LAW OF WAR; Vol. 20; No. 10

LENGTH: 556 words

HEADLINE: Special Court for Sierra Leone Grapples with Challenges

BYLINE: by Bruce Zagaris

BODY:
As the Special Court for Sierra Leone continues its work, it is experiencing challenges from both the announced departure of its registrar and criticism from the defense bar.

1. Sierra Leone Defense Counsel Complain About Bias of Trial Chamber

On July 16, 2004, a group of defense counsel said they were not comfortable with the way and manner judges at the Special Court for Sierra Leone are conducting themselves in the trials. They expressed concern that their clients could obtain a fair trial. Until now, the trial chamber of the Special Court for Sierra Leone presided over by Judge Benjamin Itoe has dismissed all the motions they have filed without providing valid reasons. In contrast, they allege that the chamber has approved motions made by the prosecution. n1

n1 Theophilus S. Gbenda, Special Court: Judges Accused of Being Biased, Standard Times (Freetown), July 16, 2004.

The only reason the chamber has furnished for the preference given to the prosecution is that the burden to prove the case against the indictees is with the prosecution.

As a result of the alleged bias, Chief Sam Hinga Norman opted for self defense while RUF Augustine Gboa opted out of the proceedings in protest. n2

n2 Id.

Defense counsel have complained that the prosecution has failed deliberately to disclose exculpatory materials in time to the defense, as required by Rule 68 of the Rules on Evidence and Procedures of the Court. Defense counsel claim this failure also indicates bias. n3

n3 Id.

3. Special Court Registrar Announces Resignation

On August 3, 2004, Robin Vincent, who established the Sierra Leone Special Court, announced he will resign in the autumn although UN Secretary General Kofi Annan and several governments have urged him to reconsider. n4

n4 Id.
n4 UN Office for the Coordination of Humanitarian Affairs, **Sierra Leone: Special Court Registrar Announces Resignation Bur Urged to Stay**, Aug. 12, 2004.

The UN appointed Mr. Vincent, a British court administrator, two years ago. He helped develop and operate the court. His resignation would occur at the very moment the court awaits its budget for the final year of its three-year mandate to be approved and is examining ways to fund proceeds if they continue past 2005. According to reports apparently Vincent had felt frustrated that the court was not receiving the support it required. Only 33 of 191 UN members had provided funds for the **Special Court** and pledges for its third year had to be brought forward to cover the second year of operations. n5

n5 Id.

One group of indictees from the Armed Forces Revolutionary Council, a military junta that ruled **Sierra Leone** from May 1997 to March 1998, still await trial because the **Special Court** must recruit judges for the second chamber. n6

n6 Id.

3. **Analysis**

The problems with the defense bar and administration are common difficulties in any new international criminal tribunal. In fact, these problems are often magnified when the tribunal is ad hoc and not permanent. In particular, resource problems normally plague ad hoc tribunals. The start and continued operation of the **Sierra Leone Special Court** have been hampered by difficulties of obtaining resources.

**LOAD-DATE:** September 23, 2004

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**Source:** News & Business > News > News, Most Recent 90 Days (English, Full Text) [1]

**Terms:** liberian general john tarnue testifies before the special court for sierra leone (Edit Search)

**Mandatory Terms:** date from 09/30/2004

**View:** Full

**Date/Time:** Wednesday, October 6, 2004 - 6:27 AM EDT

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https://www.lexis.com/research/retrieve?_m=d643458c7960dbf973d165b0fd39bf11&docnum=2&_f... 06/10/2004
Johnny Paul in Burkina Faso

Fugitive leader of the People's Liberation Party, Rtd. Major Johnny Paul Koroma has been sighted in Ouagadougou, Burkina Faso, recently. The News has been reliably informed. Sources intimated that JP Koroma was seen in the company of some well-known Sierra Leonean dissidents, including former soldiers who fled this country following the Nigerian-led military intervention forces that toppled Koroma's junta. Reports further intimate that Johnny Paul Koroma traveled by road from Sierra Leone through Liberia to reach Burkina Faso so as to evade recognition.

Burkina Faso featured prominently during the nine-month junta of Mr. Koroma's rule. It was during this period that Russian helicopters using Burkina Faso as a base transmitted arms and ammunition into Sierra Leone through the then Magburaka airfield as a landing pad.

JP Koroma's arrival in Burkina coincides with the coming of Omrie Golley, Former RUF strongman to Freetown. Golley, an ally of the junta men is said to be in town to establish a business company. A national security officer, confiding in The News said yesterday "everybody is watching to see what someone is doing and Johnny Paul Koroma knows that. It could be recalled that JP Koroma fled Sierra Leone following reports of his involvement in an attempted coup. He was also indicted in his absence by David Crane, prosecutor of the Special Court. Initially, it was believed Koroma had been killed in a shootout in Liberia. Other reports had claimed the junta man was hiding in the North. He was a member of parliament and leader of the PLP.

Meanwhile, the government of Sierra Leone and the Special Court are yet to make any attempt to bring the fugitive leader to face justice.
TAYLOR, GADAFIFI TO COMPENSATE WAR VICTIMS

The Chairman of the Truth and Reconciliation Commission (TRC), Bishop J.C. Humphry in presenting the TRC Report to the Head of State, Alhaji Dr. Ahmad Tejan Kabbah at State House yesterday stated that the former President of Liberia, Charles Taylor and Musah Gbassay, Head of State of Liberia at the initiation of the war in bringing the bloody conflict into Sierra Leone, should compensate war victims.

Bishop Humphry in presenting five volumes of more than five thousand pages of the TRC Report to President Kabbah noted among other things that bad governance, corruption, political intolerance and many other vices were major factors responsible for the over one decade war.

He further noted that the marginalization of women and children created hardship for the most vulnerable group in society and called for guidelines so that the relevant authorities would adequately address the problems of these disadvantaged groups.

President Kabbah thanked the outgoing TRC Chairman, Bishop J.C. Humphry and the commissioners for the arduous work to complete the report.

He also welcomed the donor community for their financial support towards the final realization of the production of the TRC Report.

The President assured that his government is committed to the full implementation of the TRC Report, indicating that there is a need to reduce the worst elements of bad governance that precipitated the war.

The Head of State requested for a minute silence in honour of all those who died during the war and that certain measures must be put in place to avoid a recurrence of the war.

The donor representative expressed that the TRC came about as an integral part of the Lome Peace Accord signed in 1999 and that the EU was first approached to sponsor the commission.

He added that seven member states of the EU, including the United States, United Kingdom and France, were instrumental in financing the TRC.

A representative of the United Nations High Commissioner for Refugees stated that the Report contains accounts of people whose rights have been violated and recommended women and children for testifying at the Commission.

John Coker, who represented the TRC Working Group, disclosed that the report is a vital component in providing healing and national reconciliation.

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New Citizen

Wednesday Oct 6th 2004
SANKOH
Johnny Paul, Taylor's deal exposed

According to Commandant Tanu who was promoted to Brigadier General of the Liberia Army, he was the Training Commandant on the heels of Taylor's reign. "I remember in 1997 when AFRC toppled the SLPP government, Charles Taylor requested the former Defense Minister, Daniel Chea, to talk to Johnny Paul Koroma in Freetown. The statement giving by the prosecution witness revealed that there was a ploy pursued by Taylor to crown the late Foday Sankoh the president of Sierra Leone through a bogus election", Tanu stressed.

The witness stated that Defense Minister visited Johnny Paul Koroma, urging Charles Taylor to provide a long range communication set linking the two heads of state.

General Tanu said Charles Taylor promised to give political support to the AFRC and that made Taylor to recognize the AFRC regime, recalling when he escorted arms and ammunition to Spring Field-Air Field for the arms to be transported to Golahun for pending foreign intervention.

"The helicopter was piloted by Ukrainians", he said.

The witness said that he used to see Issa Sesay, Morris Kallon, Sam Bockarie and other RUF members in Monrovia. The prosecution witness stated that Tallah Auden was the financier and Ibrahim Bah was the Coordinator between RUF, AFRC and Charles Taylor. "We use to meet at Charles Taylor's residence called White flower at Sinkor in Liberia. I saw diamonds: some diamonds were not in good value so the junior boys used to sell for their cigarette and other logistical support", Tanu stated.

By Abu Whyte Fofana (076-666-890)

Taylor, a virus

From front page
Liberian general implicates Taylor

BY THEOPHILUS CRENIAL

One time principal military staff officer of ex-Liberian president Charles Taylor and Commanding General of the Armed Forces of Liberia (AFL), General John Tumae, has given a vivid account of Charles Taylor's involvement in fuelling the decade long brutal civil war in Sierra Leone.

The evidence in chief of the one-time benchmark of the erstwhile Liberian president, is deemed to be crucial to the ongoing trial of the RUF indictee, as it goes a long way in giving a unique background to the creation of the defunct Revolutionary United Front (RUF) and also creating a wider picture depicting the command structure of the then RUF and its actual links, both with the then National Patriotic Front of Liberia (NPFL) and the Liberian government under Taylor.

In his evidence, the witness recalled how in a meeting with Taylor and other Sierra Leoneans in Gbongan, Liberia in February 1991, the late Corporal Foday Saybhana Sankoh and others were commissioned by the former to carry out an armed rebellion in the territory of Sierra Leone.

The witness, who claimed to have been present at most of Taylor’s transactions with the RUF, recalled how Taylor personally aided Sankoh and his team with manpower, arms, ammunition, communication gadgets and technical supervision to enhance their effectiveness.

According to the witness, Sankoh and a group of RUF commanders and Benjamin Yeaten, who was designated as Taylor’s representative to the RUF, entered Liberia from Sierra Leone in 1992 and presented a jar containing diamonds to Taylor.

The witness also recalled how looted items from Sierra Leone were conveyed to Gbongan for onward transmission to Monrovia.

Ivory Coast, Burkina Faso and Libya, the witness also stated, were neck-deep in Taylor’s involvement with the rebel RUF. Arms and ammunition, according to the witness, were conveyed to Sierra Leone through Burkina Faso and Ivory Coast into Liberia, and finally into the RUF strongholds.

The diamonds handed over to Taylor by Sankoh were often smuggled into Burkina Faso for business purposes and the proceeds either used to purchase arms and ammunition or taken back to Taylor.

Following the overthrow of the Kabbah government by the AFRC, the witness testified how Taylor received the news with gladness and offered to do all his power to enable the junta consolidate its hold on power.

The witness also revealed how Taylor piloted a camouflage helicopter to fly in arms and ammunition to the RUF especially during the rainy season.

Most of the testimony of the witness was centered around Taylor, and on issues that left many with the conclusion that the witness was actually lined up to testify principally against Taylor and the alleged criminal enterprise.
“Taylor controlled RUF activities” - Witness tells Court

By Odilla French

In the ongoing RUF trial, Brig. General John S. Tarnue in continuation of his testimony at the Special Court revealed that Taylor together with Foday Sankoh controlled the activities of the Revolutionary United Front (RUF) during the war in Sierra Leone. According to him, Taylor was part of the command structure of the RUF and was providing all the logistics needed from sale of diamonds that were been mined in Kono. He said that in 1992 when Kono district

Contd. Page 2

Taylor controlled RUF activities

From Front Page

was captured by the RUF completely according to Taylor's instructions, people were engaged in mining activities. He said that in that same year, Sam Bockarie, Benjamin Yeaton and Augustine Gbabo came to Gbarnga from Koidu with a Mayonnaise jar containing diamonds, which they said was a gift for Charles Taylor. They proceed from these diamonds, according to the witness went towards the purchase of arms and ammunition. The ammunition Gen Tarnue revealed, would land at Mbinu Airport in Ivory Coast and driven in Burkina Faso onto Gbarnga in Liberia: the NPFL headquarters. Gen Tarnue went on to narrate that the RUF Commanders were coming into Gbarnga with looted items including tobacco, cocoa, coffee, bicycles, balis of cloth and bags of slippers and sandals. He said further that the Commanders would take these items to Ivory Coast to be sold. He went on to say that apart from Sam Bockarie, other RUF Commanders like Morris Kalion and Issa Sesay also came to Taylor for supply of ammunition, which included Light Automatic Rifles (LAR), RPGs, Beretta, AK 47, rockets and boxes of ammunition in wooden boxes. These Commanders according to him said for these weapons, with Arabic inscriptions and arms would be loaded into Man Diesel trucks and taken to Kailahun. Gen Tarnue further told the Court that after the AFRC coup in Freetown in 1997, Taylor sent his Defence Minister Daniel Chea to tell Johnny Paul Koroma to form a military alliance with the RUF. Also, he said Taylor instructed Chea to assure Johnny Paul of his support whenever the need may arise. On his return, the Minister informed Taylor that Johnny Paul agreed to his proposal. "After Taylor became President, he again sent Chea for the second time to Freetown to tell Johnny Paul to organise a bogus election so that immediately Sankoh would become President," he went on to explain. But, this he added did not happen as the AFRC were kicked out of Freetown by ECOMOG which infuriated Taylor and he sent for Sam Bockarie and Benjamin Yeaton to report in Monrovia the next day. "When they arrived, Taylor told them to defend Kono as that was where they were getting their revenue," he went on.

Wednesday Oct 6th 2004
West African grouping to send team to G8 to discuss regional stand-by force

LAGOS, Oct 5 (AFP) - West African regional grouping ECOWAS said Tuesday that it has despatched a team to Washington to discuss details of a regional military standby force with members of the G8 group of the world's most industrialised nations.

"A five member ECOWAS delegation left for Washington on Tuesday for an experts level meeting of the G8 during which it would present the vision and structure of the regional standby force to the group," the Economic Community of West African States (ECOWAS) said in a statement.

"The delegation will include two officials from the ECOWAS secretariat and three military officers, one each from Ghana, Nigeria and Senegal," the statement said.

The ECOWAS team will meet with G8 officials for two days, during which they will "discuss the logistic and training needs of the force".

The force is being set up under a plan, approved by the G8 during its June summit, aimed at "expanding global capability for peace support operations", the statement said.

West African defence chiefs have pledged "all the 6,500 troops" required for the standby force, ECOWAS said in a statement Monday.

The troops, which include infantry, artillery, engineering, transport, aviation, naval, medical, communications, and military police units, were pledged during a two-day meeting of the regional grouping's defence and security commission in Accra, the statement said.

The force, comprising a rapid reaction force of 1,500 troops that can be deployed within 30 days, will enable the region to respond faster to crisis situations, the statement said.

Once the rapid reaction force is on the ground, another 5,000 soldiers will be ready to deploy to back it up.

ECOWAS will on November 22 host a donors' conference in the Nigerian capital Abuja to raise funds which would "enable it equip the force" according to standards required by the United Nations for peacekeeping operations, it said.

ECOWAS, comprising 15 member nations and established in 1975, has been engaged in the past 14 years in peacekeeping operations in Liberia and Sierra Leone. Troops for both operations were drawn mainly from Nigeria.
CAMBODIA RATIFIES DEAL ON KHMER ROUGE TRIAL

No Peace Without Justice welcomes the ratification by the Cambodian Legislative Assembly of the Agreement with the United Nations to create a Tribunal for the investigation and prosecution of those leaders of the Khmer Rouge who are still living. NPWJ would like to take this opportunity to congratulate the Cambodian Parliament for having finally decided to create a Tribunal that can shed light, nationally and internationally, on those people responsible for the crimes committed during the Khmer Rouge regime, for whom there has been impunity for nearly 30 years.

No Peace Without Justice remains fully committed to the protection of human rights, the strengthening of the rule of law worldwide and the establishment of an effective and universal international criminal justice system.

From the creation of the new legal system in East Timor, to the Special Court in Sierra Leone, to the fight for the creation of the International Criminal Court, NPWJ has always worked towards an international order that does not allow impunity for those that would commit the most serious crimes under international law, namely war crimes, crimes against humanity and genocide.

The concrete steps taken by Cambodia towards a legal system that prevents impunity for the commission of these grave crimes is an important and courageous decision. This decision not only has repercussions for national and regional law reform, but also makes a significant contribution towards strengthening the rule of law and promoting the respect of civil and political rights.

In order to realise these possibilities as soon as possible, NPWJ urges the Cambodian Government and its international partners to ensure the speedy and effective establishment of this Tribunal.

No Peace Without Justice would also like to take this opportunity to urge States to fulfil their primary responsibility for the investigation and prosecution of serious crimes under international law, noting at the same time the possibility of referring cases to the International Criminal Court.

Through steps such as those taken by Cambodia, we look forward to a time when this type of crime will no longer be committed or, at the very least, a future where there will no longer be impunity for these types of crimes, as has unfortunately been the case until today.
For Seditious Libel

*Paul Kamara Jailed 4 Years
*For di People Banned 6 Months
*Mum and Child set Free

By Bellemore Sahare
Managing Editor and Editor
Fer di People Newspaper
and Human Rights
activist Paul "Mandela"
Kamara, was yesterday sen-
tenced to two years in prison.
Hon. Justice A. Bankole
saluted on two counts, each
to serve concurrently, for
challenging two seditious li-
ble stories. A six months
imprisonment was also slammed on his
opponent, Fer di People.
ul Kamara was standing
alongside three other
mourners, printer Brima
Kamara. Administrative
Manager, Joseph Charles,
and fourth accused, proprietor of
John Loven printing press,
Mrs. Lovette Charles.
Hon. Justice A. Bankole
Rashid in delivering his
judgement said he found the
first accused Paul Kamara
guilty on both count one and
two of seditious libel with
intent after examining the
submission made by both
the defence and prosecution
counsels. The seditious pub-
lcations by FDP were made
on the 3rd and 7th October,
2003.

Speaking of the two articles:
"Kaboi is a True Convict" and an inside page story.
"between Constitutionality
and a Convict President" re-
spectively. Justice Rashid
found that there lies abun-
dance evidence against the
first accused, Paul Kamara to
warrant conviction.
Defence counsel, J.O.D.
Cole, a retired journalist,
before the delivery of the
decision, pleaded with the
trial judge to temper justice
with mercy.
Before giving judgement on
second accused, Brima
Kamara. Concl. page 2

Paul Mandel Kamara: the struggle continues

For Seditious Libel

Saying, Judge Rashid asked
his counsel what she had to
say.
Defence counsel Mrs
George pleaded with the
judge to temper justice with
mercy, saying that the ac-
cused person standing be-
fore him found himself in
the position of defendant not
of his own volition, adding
that the accused is a family
man who is the sole bread
winner for his family and that
the judge should not consider
imposing a custodial sentence
on him, as that would mean
sentencing the entire family.
Justice Rashid however found
the second accused guilty in
both count one and two but
only levied a Le 10,000 fine
on him as he was only a first
time offender who had com-
ported himself well during the
six months long trial.
In the case of the third and
fourth accused, child and
mother, Joseph Charles and
Mrs. Lovette Charles, repre-
sented by Costas Manganey,
Justice Rashid could find no
evidence that they knowingly
permitted the seditious libel
publications of FDP on 3rd
and 7th October, 2003 re-
spectively and so were acquit-
ted and discharged.
RUF ENTER HALL OF INFAMY

The Revolutionary United Front (RUF) has gone and done it. The rebel group, which sparked a bloody 11-year old war in Sierra Leone that killed 50,000 people, has had its name entered in the American Encyclopedia of Terrorism.

The new Encyclopedia, which has the picture of the burning World Trade Center Twin Towers on its cover was edited by Cindy C. Combs and Martin Slann, under "The Facts On File" series, and lists and writes about all the terrorist organizations and terrorists in the world.

The RUF was founded by the so-called former Sierra Leone army Corporal, Foday Sankoh (Pictured right) who invaded the country from neighbouring Liberia, backed by Ex-Liberian President Charles Taylor, then a rebel leader himself, and thousands of Liberian and Burkinabe mercenaries.

They burnt down hamlets, villages and towns and killed thousands of innocent men, women and children, often by hacking or burning them to death. They amputated the limbs of their more lucky victims, leaving a huge community of amputees in Sierra Leone.

Foday Sankoh died while in custody awaiting war crimes trials almost two years ago, but though he is gone, it looks like he will never be forgotten as his name has started making contemporary History books.
World Markets Analysis October 05, 2004

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World Markets Analysis

October 05, 2004

SECTION: IN BRIEF

LENGTH: 342 words

HEADLINE: Liberian Veterans Training Fighters on Guinea Border

BYLINE: Olyy Owen

BODY:
Trayen Wantee, a former close comrade of exiled warlord President Charles Taylor, has recruited around 100 ex-combatants of Taylor's forces in the Ganta region of Nimba County and is training them for a possible insurgency in neighbouring Guinea, according to UN reports. Observers say that Wantee has been recruiting in Gnat since July 2004 and has offered his fighters a US$200 bonus for signing up to train in a camp located in the forest near Dieke, Guinea. A colleague of Taylor since the two trained in Libya in the 1980s, Wantee was made ambassador to Guinea when Taylor came to power in 1997, but was kicked out of the country by President Lansana Conte in 2001 for his alleged involvement in an attempted invasion of that country from Liberia. The UN's IRIN reports that numbers of Liberian ex-combatants have been caught crossing the border at night by Guinean security forces in recent weeks, although an officer of the UN force in Liberia said there was no evidence for such reports. Nimba County is a stronghold of Taylor's militias and was the base from which he launched his 1989 insurrection.

Significance: The reports also points to the failure of the disarmament process in the area (see Liberia: 8 September 2004: Liberian Government Committee Questions UN Date for End of Disarmament). After waiting in vain for a comprehensive package to reach them, ex-fighters in Nimba County are taking matters into their own hands. Some seem to be returning to their previous profession of freelance mercenaries. The US$200 signature bonus compares well with the US$300 one-off payment the UN is offering for weapons handed in, but many other ex-combatants are travelling to the Guinean border to exchange guns for motorbikes, thus trading their weapons for a productive resource for civilian life: exactly the sort of activity that should have been initiated by the international peacekeepers. The only difference is that the ex-soldiers' 'self-help programme' is flooding Guinea's volatile border area with weapons.

LOAD-DATE: October 05, 2004
SADDAM LIVES

Tue Oct 5, 7:59 PM ET

By William F. Buckley Jr.

It seems curious that back in March 2003, we tried to kill Saddam Hussein (news - web sites). We had it all worked out that he was in hiding at a particular dwelling in Baghdad, and we launched a missile attack against it. Our eagerness was such that we were willing to initiate the military engagement against Iraq (news - web sites) hours before general operations were scheduled. The clouds of doubt on the legality of the war weren’t quite so vividly drawn, in March ’03, the U.N. position being that we needed a supplementary vote to proceed, the U.S.-Brit position being that existing resolutions were sufficient.

In any event, our anxiety then to kill Saddam Hussein is in sharp contrast to our desire now to keep him alive until some judicial body (unspecified at the moment) escorts him -- where? To the gallows? To another jail?

A formal trial began in July and faced immediate difficulties. To begin with, there is the question of the detachment of Saddam Hussein from his large executive retinue. We have an estimated 5,500 Iraqis under lock and key and have not yet arrived at a judgment on how many of them are to be tried as criminals.

But we did train particular attention on 11 people in intimate association with Saddam Hussein, and right away the question arose whether they should all be tried together. This would not mean necessarily that they would be tried en banc. We could proceed as in Nuremberg, laying down the corporate case against the Saddam regime, and then enunciating, one by one, the specific liability of each individual defendant. In Nuremberg there were 22, and the sentences varied from hanging (11) to exonation (3).

By what standards should Saddam be charged? At Nuremberg we articulated a law that did not exist, a law against wars of aggression. By some readings, we engaged therefore in ex post facto proceedings strictly forbidden by the U.S. Constitution. We were attempting, in 1945, to promulgate universal laws defining war crimes. We did this, and don’t really need to make the point all over again, because there are plenty of local laws violated under Saddam Hussein. It’s not legal, under Islamic practice or Iraqi law, to slaughter other Iraqis, let alone tens of thousands of them.

It is to be expected that Saddam’s lawyers will raise every conceivable objection to the proceedings, among them the matter of the language used before the court. A scholar, writing for Vanguard Online, gave an example. Awa U. Kalu, Esq., wrote last month of an “avuncular” judge in a Nigerian court who advised the defendant that he could select the language in which the trial would take place. That’s easy, the defendant said. He would like to be tried in Igbo. To the defendant’s dismay, the presiding officer immediately began to speak in Igbo. Discouraged, the defendant switched to “flawless English,” and then went on to another expedient, advising that what he had been charged with doing was in fact the work of Satan -- who of course was not subpoenaed by the prosecutor.

The work of Saddam can vividly be described as the work of Satan. Meanwhile, the man responsible is in an undisclosed military compound in or near Baghdad; it is reported that he recently requested cigars. What honors in the prosecution is the thousands of Iraqis who have filed complaints against Saddam et al. on behalf of family members allegedly murdered by the regime. In order to examine these complaints thoroughly, one would need, among other things, to dig up cemeteries containing thousands of corpses, presumably in search of bullet holes or broken heads.

To undertake this in a country in which insurrectionaries, many of them surviving Baathist supporters of Saddam Hussein, strike out every day against the coalition powers, against the Iraqi government, against the police, is simply not feasible. The prosecution needs drastically to reduce the number of plaintiffs and the scope of their complaints in order to proceed against discrete crimes with available witnesses, who would presumably need to testify secretly, in shrouded courtrooms. But of course when such practices as those are resorted to, cries of victors’ justice spring forth and ACLU-types are there to plead the invalidation of the trial.

It is piquant that the man we tried to kill with a surprise missile attack flaunts judicial extravagances to stay alive even as his dispossessed supporters continue to terrorize and to kill. If we can't arraign, prosecute, convict and hang Saddam Hussein, his supporters will be encouraged by western ambivalence, and a natural and commendable public thirst for symbolic vindication will continue unsated.

Ratings: Would you recommend this story?
Not at all 1 - 2 - 3 - 4 - 5 Highly
Avg Rating: 3.76, 48 votes
Rape as a tool of war

The sexual abuse of women in war is nothing new and has long been tolerated as one of the inevitable features of military conflict. That in itself has been a cause for concern among human rights advocates. However, the large-scale use of rape as an instrument for delivering a psychological blow during armed conflict has caused even more concern.

The use of rape as an organised and systematic weapon of war, employed to destabilise and threaten an element of the civilian population is a phenomenon that the international community must address with greater vigour, Sarah Maguire, UK-based lawyer and human rights consultant, told IRIN.

In recent years, mass rape in war has been documented in various countries, including Cambodia, Liberia, Peru, Bosnia, Sierra Leone, Rwanda, the Democratic Republic of Congo, Somalia and Uganda. A European Community fact-finding team estimated that more than 20,000 Muslim women were raped during the war in Bosnia. At least 250,000, perhaps as many as 500,000 women were systematically raped during the 1994 genocide in Rwanda, according to reports from the World Bank and UNIFEM. Most recently in Darfur, Western Sudan, displaced people have described a pattern of systematic and unlawful attacks against civilians by a government-sponsored Arab militia and the Sudanese military forces.

Women and girls are singled out because the harm and humiliation inflicted not only hurts them, but also deeply harms and affects the men in the targeted community, Maguire told IRIN. Such sexual violation of women erodes the fabric of a community in a way that few weapons can.

"This kind of systematic rape is an effort to humiliate the targeted community," Maguire said. "Although it involves women, it's specifically aimed at the men of that community. This type of rape is about 'cleansing' or changing the ethnic makeup of a group, which in my opinion is tantamount to genocide."

Such horrors were seen in Bosnia, where Muslim women were systematically raped as part of the "ethnic cleansing" campaign by Serb forces. Over 20,000 women are thought to have been raped during the war in order to humiliate and intimidate Bosnian Muslims; they were forcibly impregnated with half-Serbian children in order to dilute the Bosniak identity in the former Yugoslav republics, according to the United Nations Women's Fund, UNIFEM.

Maguire cited a report by UNIFEM, in which women's bodies were described as being "used as an envelope from one group of men to another". "Those committing the atrocities were effectively saying 'we're going to kill you, or destroy your capacity to breed'," she said.

Preventative action

While the outlook was bleak, Maguire maintained that much could be done at both the local
and the international level to prevent and discourage the use of rape as a weapon in conflict, and to mitigate the effects of it within a targeted community.

More could be done to communicate the issue to warring factions, she said. "We must, as a community, make it clear that the use of rape in war is a breach of International Humanitarian Law and international conventions. We must treat it as a priority, and references should be made in every Security Council resolution, and in every indictment," she said.

Monitoring and reporting was also crucial, yet often challenging to put in place. Too often, the international community has had to acquiesce when belligerents refused to accept certain measures, such as the deployment of human rights monitors into a crisis, she said.

Maguire maintained that a new frame of reference for sexual violence was overdue. "Perhaps we need to start talking about sexual violence as a threat to international peace and security. That might affect our perception of the issue," she said.

"Part of the problem is that sexual violence is not unique to conflict situations. It also occurs in peaceful societies, therefore we tend to be more accepting of it than we would of the burning of houses, which is clearly linked to conflict. We have, as a society, a level of acceptability about rape. It happens. It's collateral damage. However, this means that we need to have a more energetic response to it," said Maguire.

Her statements were backed up by a UNIFEM report: "Violence against women in wartime is a reflection of violence against women in peacetime. As long as violence against women is pervasive and accepted, stress, small arms proliferation and a culture of violence push violence against women to epidemic proportions, especially when civilians are the main targets of warfare." [The report, titled Women, War, Peace and Violence Against Women, is available at www.womenwarpeace.org]

Comfort Lamptey, gender advisor with the United Nation's Department of Peace-Keeping Operations (DPKO) in New York, told IRIN that a legal process as a means of tackling the pervasive culture of impunity was crucial.

"A legal response in terms of prosecution, truth and reconciliation, can redress crimes and serve as a deterrent," she said. To this end, the Rome Treaty, which established the International Criminal Court in 2000, had been fundamental in underlining rape as a crime against humanity.

The ultimate aim was to discourage the belligerents from conducting a proxy war through their women. "The challenge is to communicate to men that sexual violence, and rape in particular, should not serve as a weapon of war," she said.

The importance of psychosocial support

Maguire added that there was also a need for psycho-social support, in coping with the trauma of such attacks. Sometimes just asking the right questions could be crucial. While serving as a lawyer in the UK defending asylum cases, Maguire recalled a Kurdish woman who complained of daily migraines for five years following an armed raid on her home and the torture of her husband. While the case had focused on the attack on her husband, no-one had thought to ask his wife if she had been maltreated. She had in fact been gang-raped, yet had never spoken of it. "She stopped having the headaches soon after," said Maguire.
"People need a channel to discuss these things. We, as a community, need to treat the use of rape with the same level of intolerability as we do when we see houses being destroyed, or children killed in conflict," she said.

Maguire referred to what she saw as a resistance within the international community to take on these psycho-social activities - partly because they seemed intangible, but also due to a common perception that rape was an "unavoidable" and "inevitable" element of conflict.

Lampetey agreed that there was a need to improve the mechanisms to support women confronted with such traumas, the dilemmas of unwanted children, sexually transmitted infections and HIV/AIDS, or being rejected by their community or husband.

A survey in 2000 by Avega, an umbrella association in Rwanda that caters for the interest of 25,000 widows whose husbands were massacred during the 1994 genocide, found that two-thirds of the women were living with HIV/AIDS, while 80 percent were still seriously traumatized by the horrors and brutality they suffered during the genocide, UNIFEM reported.

Persistent sexual violence can also numb the targeted individual or community to other abuse or exploitation. Lampetey cited one situation during the protracted civil war in Sierra Leone where a young girl who had been abducted by rebels in Sierra Leone, had been released and was living as a prostitute. She considered herself fortunate as she was now being paid.

Lampetey said there were opportunities to influence attitudes to sexual violence and confront conflicts where systematic rape had become ubiquitous. "In Darfur, for example, what are the terms of reference for the monitors of the African Union? And will this include monitoring compliance with human rights issues, and sexual violence?"

Protecting displaced women

A particular area of concern for the humanitarian community is sexual violence against displaced women and children and the need to re-establish, as quickly as possible, structures and systems to ensure their safety in displaced settlements. Maguire cited examples of displaced communities in Darfur that opted to send women rather than men out to collect firewood. While they ran the risk of being raped or attacked by the roaming militias, their men would most certainly be killed, she said.

"It's a hugely difficult environment," Maguire said. "But we need to start asking ourselves how we can provide these displaced women with all that they need, to avoid having them run the daily risk of leaving these camps. We need to start thinking about how we can keep these women safe."

Masculinity and Gender-Based Violence

The inequities of gender relations are at the core of sexual violence and depend on perceptions of male and female roles in society and the social structures around this, Lampetey told IRIN. "In cultures that see women as the property of a man, then an affront on women is an attack at the man," she said.

Changing the mindset of people is key. "If we go to the heart of where this comes from - it relates to the notions of masculinity, sexual violence is still about men fighting men, they are just using the vessel of a woman's body. Fundamentally, it's about a lack of respect for women and their bodies as equals," said Lampetey.

There are also other factors such as poverty and economic instability, which have resulted in a "crisis of masculinity" in many parts of the world, according to analysis by UNIFEM. Men's

http://www.irinnews.org/webspecials/gbv/print/p-fearap.asp
traditional roles have been threatened and rather than finding alternate roles, men have in
some cases sought to assert their masculinity "through irresponsible sexual behaviour or
domestic violence".

What is positive however is that the approach to gender-based violence and the implications
of masculinity have begun to change. It is now recognized that from an early age, a
preconceived mould of masculinity is imposed on boys and men, just as stereotypes of
femininity are imposed on girls and women. And as men change, entire cultures can begin to
change, laying the foundations for a richer lifestyle, UNIFEM reported.

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