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INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

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INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS DENOUNCES THE ISRAELI GOVERNMENT'S RESOLVE TO REMOVE PRESIDENT YASSER ARAFAT FROM PALESTINE

The International Association of Democratic Lawyers strongly condemns the decision of the Israeli government to "remove" President Yasser Arafat from his home country of Palestine, in direct contravention of international law. Equally condemnable are the declarations of the Israeli Vice- Premier, Mr.Ehud Olmert, that " killing (him) is definitely one of the options" and of Mr.Avi Dichter, Chief of the Shin Bet, the domestic security service, that "it would be better to kill Arafat." Such calls are a clear violation of the rule of law, which we, as lawyers, are firmly committed to uphold. President Arafat is the elected leader of the Palestinian people and is the symbol of Palestinian nationhood.

Believing firmly that any attempt on the part of Israel to kill or forcibly remove President Yasser Arafat from Palestinian territory will not only be violative of international law, but would have disastrous consequences not only for Israel and Palestine but for the whole world.

Recognizing that the Palestine leadership has committed itself unequivocally to all peace efforts and more particularly to the recent

"Roadmap," IADL calls upon Israel to do so without any conditions.

IADL unequivocally condemns the continued military operations by Israel, the target killing of Palestinian leaders and activists, all retaliatory

violence and suicide bombings and calls for the cessation of hostilities from all sides. Such acts have caused enormous loss of life, mostly of innocent civilians including women and children and must stop immediately.

IADL re-affirms its unqualified support of the inalienable and legitimate right of the Palestinian people to a homeland and their right of self-determination.

IADL calls upon all peace-loving people throughout the world to:

- **Oppose** Israel's continued occupation of the West Bank and Gaza;

- **Urge** Israel to immediately lift all restrictions on President Arafat, who has been held hostage by the Israeli Government for more than a year and a half; and

- **Hold** Israel accountable for its continued violations of international law and the UN resolutions in respect to Palestine and the treatment of its people.

IADL further calls upon the United Nations, as the sole legitimate entity, to act as a mediator, with the assistance of the regional organizations, to resolve the crisis in the Middle East and to restore peace and security

Jitendra Sharma
President, IADL

Issued at New Delhi on the 17th September 2003.
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UN Security Council Resolution on Israel, 17 September 2003

Demanding the complete cessation of all acts of violence; that Israel, the Occupying Power, desist from deporting or threatening the safety of elected Palestinian Authority President Yasser Arafat; and expressing support for the roadmap, was vetoed by the U.S. The vetoed resolution is appended.

UN General Assembly Resolution on Israel, 19 September 2003

In an Emergency Session, the General Assembly adopted a resolution, 133 to 4 (Israel, U.S., Marshall Island, and Federated States of Micronesia) with 15 abstentions, demanding that Israel not deport or threaten the safety of President Yasser Arafat.

LENNOX S. HINDS, IADL VICE PRESIDENT AND PERMANENT REPRESENTATIVE TO THE UNITED NATIONS ISSUES DRAFT CHARTER OF THE INTERNATIONAL PEOPLES TRIBUNAL ON IRAQ FOR REVIEW BY IADL BUREAU

-PREAMBLE-

NOTING that on March 20, 2003 the U.S. and other “coalition forces” began their armed invasion of the Sovereign Nation of IRAQ without the express authorization of the United Nations.

RECOGNIZING that there was no legal Justification for the US/UK led war under the U.N. Charter or Security Council Resolution 1441.

MINDFUL that under international law, Article 2 Paragraph 4 of the UN Charter is clear:

“All the Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

Article 51 spells out the right of nations to wage war in self-defense: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs

against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security”.

Since Iraq has neither waged an act of war against the USA, UK or any other state and since international peace and security was put at risk not by Iraq but by the USA, the United Kingdom, and other coalition partners the provisions for self-defense were not met.

NOTING that the Bush administration claimed that weapons of mass destruction (WMD) developed by Iraq may be handed over to Al Qaeda and be used for a terrorist attack on the US, and that a link between the government of Saddam Hussein and Al Qaeda has not been proved and

KNOWING THAT preemptive self-defense, which involves the preventive use of force to a possible armed attack in the future, is not recognized under modern international law.

TAKING NOTE that the US cites, as a legal justification for the use of force, Security Council Resolution 1441 of 8 November 2002, and Resolutions 678 and 687 dating back to the 1991 Gulf War.

MINDFUL that Resolution 678 was limited in its scope, and authorized the use of force only to dislodge Iraq’s military from Kuwait and did not permit the use of force to rid Iraq of WMD, nor to topple the regime of Saddam Hussein. In fact paragraph 34 of this Resolution provided that the Security Council take such further steps as may be required for the implementation of the Resolution. **COGNIZANT** that Resolution 1441 does not provide automatic authorization for the use of force and clearly states in paragraph 12 that, even in the event of Iraqi non-cooperation with inspections, it is the responsibility of the Security Council to consider the situation and the need for full

compliance with all of the relevant Council resolutions.

ACKNOWLEDGING that the opposition to Saddam Hussein's rule does not support or justify the U.S. and its coalition partners led invasion and occupation of the Sovereign state of IRAQ.

ALARMED that the U.S. and its coalition partners ordered the destruction of facilities essential to civilian life and economic productivity throughout Iraq. Among the facilities targeted and destroyed were:

- * electric power generation, relay and transmission facilities;
- * water treatment, pumping and distribution systems and reservoirs;
- * telephone and radio exchanges, relay stations, towers and transmission facilities;
- * food processing, storage and distribution facilities and markets, infant milk formula and beverage plants, animal vaccination facilities and irrigation sites;
- * railroad transportation facilities, bus depots, bridges, highway overpasses, highways, highway repair stations, trains, buses and other public transportation vehicles, commercial and private vehicles;
- * oil wells and pumps, pipelines, refineries, oil storage tanks, gasoline filling stations and fuel delivery tank cars and trucks, and kerosene storage tanks;
- * sewage treatment and disposal systems;
- * factories engaged in civilian production, e.g., textile and automobile assembly; and
- * historical makers and ancient sites.

MINDFUL that the United States and its Coalition partners used prohibited weapons capable of mass destruction and inflicting indiscriminate death and unnecessary suffering against both military and civilian targets.

CONVINCED that President Bush, Prime Minister Blair and others must be held individually accountable for their Conspiracy, Crimes against Peace, War Crimes, Crimes Against Humanity and grave breaches of international humanitarian law, in contravention of the U.N. Charter, the Charter of the International Military Tribunal at Nuremberg, U.N. G.A. Resolution 3314 (1974), the Geneva Conventions of 1949 and its Protocols of 1977 and other international legal precedents; and

MINDFUL of the moral responsibility of every member of the Global Civil Society and also the common task for freedom and peace loving peoples of the world to restore justice for the victims of crimes against peace, crimes against humanity and war crimes.

DETERMINED to restore the rule of law and to end the practice of impunity for such crimes committed by Political Leaders who believe that they are beyond the reach of the law.

The International Association of Democratic Lawyers joins the International Organizing committee, composed of eminent scholars and human rights activists from around the world in adopting the Charter of the International Peoples Tribunal for Iraq.

COMPETENCE OF THE TRIBUNAL

ARTICLE 1.

The International Peoples Tribunal on Iraq ("the Tribunal") is hereby established. It shall have power to exercise jurisdiction over individuals and states, pursuant to the provisions of this Charter. It shall conduct public hearings on such dates and locations, and addressing specific issues, as determined by the International Organizing Committee.

ARTICLE 2. CONSPIRACY

The Tribunal shall have the power to prosecute responsible governmental officials and others who reached agreements and participated in the formulation of the common plan to wage a war of aggression against the sovereign state of Iraq.

ARTICLE 3. CRIMES AGAINST PEACE

The Tribunal is empowered to prosecute those government officials engaged in:

- a) The commission of acts of aggression against the sovereign state of Iraq by the use of armed force against the sovereignty, territorial integrity and political independence of Iraq in violation of the Charter of the United Nations;
- b) The invasion and attack of the territory of Iraq and the subsequent military occupation resulting from such invasion and attack; in violation of the Charter of the United Nations;

- c) Bombardment by the armed forces without legal justification of the territory of Iraq;
- d) The allowing by third party states of their territory to be placed at the disposal of the US, UK and its coalition partners for the perpetration of acts of aggression against Iraq.

ARTICLE 4. WAR CRIMES

1. The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (a) willful killing;
- (b) torture or inhuman treatment, including biological experiments;
- (c) willfully causing great suffering or serious injury to body or health;
- (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- (f) willfully depriving a prisoner of war or a civilian of the rights of fair and regular trial;
- (g) unlawful deportation or transfer or unlawful confinement of a civilian;
- (h) taking civilians as hostages.

2. The International Tribunal shall have the power to prosecute persons committing or ordering to be committed other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

- (a) International directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- (b) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
- (c) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in

- accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (d) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (e) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- (f) Killing or wounding a combatant who, having laid down his arms or having no longer means of defense, has surrendered at discretion;
- (g) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (h) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (i) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (j) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person

concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

- (k) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (l) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (m) Pillaging a town or place, even when taken by assault;
- (n) Employing poison or poisoned weapons;
- (o) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (p) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and materials and methods of warfare are the subject of comprehensive prohibition;
- (q) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (r) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any form of sexual violence also constituting a grave breach of the Geneva Conventions;

3. The International Tribunal may refer to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, adopted on 8 June 1977 to clarify the definition of war crimes.

ARTICLE 5. CRIMES AGAINST HUMANITY

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack directed against any civilian population in armed conflict, whether international or internal in character;

- (a) murder;

- (b) extermination;
- (c) enslavement
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;

ARTICLE 6. INDIVIDUAL CRIMINAL RESPONSIBILITY

1. A person who planned, instigated, ordered committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to Articles 2,3,4, and 5 of the present Charter, shall be individually held responsible for the crime. Those who have concealed the crimes in Articles 2,3,4 and 5 shall be individually held responsible.
2. The fact that such a crime referred to in Article 2,3,4 and 5 of the present Charter was committed by a subordinate does not relieve his superior or military Commander of criminal responsibility if that superior or commander knew, had reason to know, that the subordinate was about to commit such acts had done so and the superior failed to take the necessary and reasonable measures to prevent or repress their commission or submit the matter to the competent authorities for investigation and prosecution.

ARTICLE 7. STATE RESPONSIBILITY

State responsibility arises from the following:

- (a) commission of crimes or acts as referred to in Articles 3,4 and 5 by military and government officials and those individuals acting in their official capacity.
- (b) acts or omissions by a State such as
 - (i) concealment, denial or distortion of the facts or in any other manner by its negligence or failure to meet its responsibility to find and disclose the truth concerning crimes referred to in Article 2,3,4 and 5;
 - (ii) failure to prosecute and punish those responsible for said crimes;
 - (iii) failure to provide reparations to those victimized;

- (iv) failure to take measures to protect the integrity, well being and dignity of the human person;
- (v) discrimination base on such ground as gender, age, race, color, national, ethnic or social origin or belief, health status, sexual orientation, political and other opinion, wealth, birth or any other status.

ARTICLE 8. OFFICIAL CAPACITY AND SUPERIOR ORDERS

1. The official position of any accused person, whether as the Head of State or Government, a military commander or a responsible Government official, shall not relieve such person of criminal responsibility, or mitigate punishment.
2. The fact that the crimes are committed pursuant to an order of a superior or of a government, alone, shall not relieve a person of criminal responsibility.

ARTICLE 9. NON-APPLICABILITY OF THE STATUTE OF LIMITATIONS

The crimes within the jurisdiction of the Tribunal shall not be subject to any Statute of limitations.

ARTICLE 10. TERRITORIAL AND TEMPORAL JURISDICTION

The territorial jurisdiction of the International Tribunal shall extend to the territory of Iraq, including its land surface, airspace and territorial waters. The temporal jurisdiction of the International Tribunal shall extend from a period beginning on September 2001 to the present.

ARTICLE 11. ORGANIZATION OF THE TRIBUNAL

The Tribunal shall consist of the following organs:

- (a) Judges;
- (b) Prosecutors, and
- (c) A Registry

ARTICLE 12. RIGHTS OF THE ACCUSED

All accused parties have the right to be informed of the complaints or claims brought against them, and to appear before the Tribunal or be heard in another manner and present a defense to these charges. Even if the accused refuses to recognize the competence of the Tribunal, such persons or parties may participate at any point in the

proceedings, and have the right to be represented at all relevant stages of the Tribunal.

The accused may be represented by Counsel of his/her/its choice, or the Tribunal may appoint Counsel to represent and protect the interests of an accused party, if deemed warranted by the circumstances.

Accused parties shall have the right to be informed in writing, of the findings of fact and conclusions of law upon which the Tribunal's decision is based.

The Tribunal reserves the right to try any and all defendants in absentia.

ARTICLE 13. QUALIFICATIONS AND APPOINTMENT OF JUDGES AND PROSECUTORS

The judges and the prosecutors shall be appointed by the International Organizing Committee among internationally renowned persons in the field human rights, taking due consideration of the following:

- (a) gender balance
- (b) regional balance
- (c) contribution in advocacy, protection and promotion of human rights.

ARTICLE 14. RULES OF PROCEDURE AND EVIDENCE

The judges of the Tribunal shall decide matters concerning the rules of procedure and evidence for the conduct of the trial, the protection of victim and witnesses and other appropriate matters of the Tribunal as they deem necessary. The following shall be admitted as evidence;

- (a) documentation; written evidence such as official documents; affidavits/depositions; signed statements, diaries, letters/notes or other documents, experts' view photos and other visual documents;
- (b) personal evidence; written or oral testimonies of survivors and witness statements of expert witnesses; and
- (c) material evidence; other relevant physical and material evidence.

ARTICLE 15. THE REGISTRY

The International Organizing Committee shall establish a Registry to the Tribunal.

The Registry shall be responsible for the administration and servicing of the Tribunal.

**ARTICLE 16. PROSECUTORS:
INVESTIGATION AND INDICTMENTS**

1. The Prosecutors shall be responsible for the investigation and prosecution of the crimes referred to in Articles 2,3,4 and 5 of the present Charter, taking into account gender and cultural issues and the trauma faced by the victimized.
2. The Prosecutors shall initiate investigations on the basis of information received from individuals, survivors, non-governmental organizations, or commission of inquiry and shall have the power to question suspects, those victimized and witnesses, to collect evidence and to conduct on-site investigations in order to establish the truth.
3. The Prosecutors shall submit indictments to the Tribunal if, upon investigation, there is a reasonable basis for a prosecution.

ARTICLE 17. TRIAL PROCEEDINGS

1. The Tribunal shall read the indictments from the prosecutors at the commencement of the trial, and shall ensure a fair and expeditious trial.
2. The hearings shall be held in public.

ARTICLE 18. JUDGEMENTS

1. The judgment shall be delivered in public and rendered by a majority of judges of the Tribunal. The judges may issue a separate opinion, concurring or dissenting opinions to the judgment.
2. The judgment shall state clearly whether the accused has been found guilty or not guilty of the alleged crime and the reasons for the particular judgment.
3. The judgment may include recommendations to a person or State held responsible to offer redress to those victimized, including apology, restitution, compensation and rehabilitation.
4. Copies of the judgment shall be sent to the survivors, the accused or their attorneys, and international agencies including the Secretary General of the United Nations, United Nations High Commission Human Rights, and shall be widely distributed throughout the world as historical documents.

ARTICLE 19. COOPERATION

1. The Tribunal may ask every individual, non-governmental organization, Government, intergovernmental organization, United Nations organs and International bodies to cooperate

fully with the Tribunal in the investigation, prosecution of persons and states responsible for acts referred to in Article 2,3,4 and 5, of the present Charter.

2. The Tribunal may ask every individual, non-governmental organization, Government, intergovernmental organization, United Nations organ and any other international body to respect any request for assistance or a judgment issued by the Tribunal, including, but not limited to:

- (a) The identification and whereabouts of persons or the location of items;
- (b) The taking of testimony and the production of evidence;
- (c) The voluntary appearance of persons as victimized, as witnesses or as experts before the Tribunal;
- (d) The examination of places or sites;
- (e) The provision of relevant information, records and documents, official or otherwise, and the full opening or wartime archives;
- (f) The protection of those victimized and witnesses and the preservation of evidence;
- (g) Facilitating or conducting the investigation and prosecution of the persons responsible for the crimes in compliance with its respective international obligations;
- (h) The provision of reparation including apology, compensation and Rehabilitation in compliance with its respective international obligations, and
- (i) Any other type of assistance with a view to facilitating the objectives of;

ARTICLE 20. SEAT OF INTERNATIONAL PEOPLE'S TRIBUNAL

1. The tribunal will conduct 3 regional hearings with the participation of judges and prosecutors from those regions and others designated by the International Organizing Committee who are able to participate.

These hearings will be conducted in;

New York	March 2004
Brussels	April 2004
Hiroshima	April 2004

2. The final sitting of the full Tribunal will be in Istanbul May 2004.

ARTICLE 21. FUNDING

Under no circumstances shall funds be accepted from governmental bodies, although non-governmental organizations that agree with the principles and Charter of the Tribunal will be encouraged to contribute personnel and/or funds to the Tribunal for its expenses.

KOREAN-JAPANESE PEOPLE'S STATEMENT AGAINST US REQUIREMENT FOR SENDING TROOPS TO IRAQ 25 OCTOBER 2003

Peace groups from Korea and Japan, in response to President George W. Bush's call for the international dispatching of forces to Iraq have petitioned their governments to withdraw the decision to dispatch forces to Iraq.

Peace lovers around the world fought against war in Iraq. However, the US government headed by Mr. Bush brought about this war of aggression in Iraq. Furthermore, the US is now requesting nations worldwide, such as Korea and Japan, to dispatch forces to Iraq. Its request for dispatching forces to Iraq is an expression of unilateral doctrine and violence, as well as an attempt to shift responsibility for the war onto the international community, when in actuality, the war occurred for the sole economic benefit of the United States.

The whole world thinks that the war in Iraq, started by the U.S. is the one of the most immoral in world history, an obvious war of aggression. It was made possible through lies and hypocrisy, dogmatism and supremacy. The weapons of mass destruction were not, after all, found in Iraq, and the U.S. insinuation that Saddam Hussein was somehow linked to the 9/11 bombing of the World Trade Center was an outright lie. The U.S. justification for war in Iraq was fraudulent, and the war is revealed to be a unilateral war of aggression for the sole benefit of the U.S. The world defines the U.S. as the enemy of peace because it destroyed the 21st century chance for world peace and friendship. The U.S. could have chosen peace, but it chose war instead.

The war in Iraq is still being waged, because of U.S. immorality. The citizens of Iraq are sacrificed in the struggle for supremacy over petroleum and power in the Middle East. Mr. Bush declared the end of the war on May 1st, but since then death and injury have increased throughout the Middle East. Anti-U.S. sentiment is spreading among the people in Iraq and Islamic people everywhere. The Islamic resistance continues its vicious circle, with terrorism and retaliatory attacks toward U.S. forces.

The international dispatching of forces to Iraq will strengthen the US policy of invasion. Countries dispatching forces to Iraq will become enemies and aggressors, a threat to the Islamic people. We peace-loving people from Korea and Japan declare that we will never support the dispatching of forces to Iraq. We want to keep peace in East Asia and the world. We peace-loving people from Korea and Japan know that dispatching forces to Iraq will bring more fighting and more tragedy to Iraq.

To end the war in Iraq, U.S. forces must withdraw, and the US should not organize a multinational force in Iraq. It must recognize the sovereign rights of the Iraqi people, and respect their declaration that they do not want to be occupied.

The governments of Korea and Japan must never act as the US has acted, as aggressors, and must never bring disgrace to their respective nations and their people by dispatching forces to Iraq. The people of Korea and Japan declare that they will not provide financial support, much less sacrifice life to pay for this war of aggression.

We ask the governments of Korea and Japan to reject the US request for dispatching of forces to Iraq, to withdraw the decision to dispatch forces to Iraq and to take steps towards a peaceful international society. Furthermore we reject the militarization of Japan under the aegis of US war policy.

We emphasize that we reject the dispatching of forces to Iraq for the sake of peace on the Korean Peninsula, on which there is much potential for war. Korea and Japan should not bring war to East Asia by dispatching their forces to Iraq. They should act instead to keep peace in East Asia.

We peace-loving people from Korea and Japan will do our best to resist US policy regarding war,

and to resist US pressure to dispatch our forces to Iraq. We the people of Korea and Japan will continue to earn the confidence of the people of the world through truth, under peace and friendship.

The Korean-Japanese Peoples Demands:

- The US must withdraw forces from Iraq.
- The Governments of Korea and Japan must withdraw the decision to dispatch forces to Iraq.
- The US should stop their unjust pressuring of other countries to dispatch forces, but should provide support to Iraq through the international community.

**REPORT ON SOFIA RESOLUTION,
Submitted by Professor Lennox S. Hinds, IADL
Vice-President and Permanent Representative to
the U.N.**

The IADL Resolution, adopted the Seminar and Bureau Meeting in May 2001, proposes setting up an adhoc expert group through ECOSOC on sanctions, and assessing effects of the sanctions regimes and working towards a framework for third party countries affected by sancions, pursuant to Article 50.

In July 2001, Permanent Representative Lennox Hinds requested suggestions from IADL's Geneva Representative, Mme Bridel, in reference to distribution of the Resolution within ECOSOC, and requested that she present the resolution as an oral submission at the Sub-Commission on Human Rights in August 2001. Mme. Bridel responded that she would present the resolution in August 2001.

In addition, at that time, we also sought advice from Mr. Frances Vendrell, Department of Political Affairs, in New York in reference to how best to proceed. Unfortunately, Mr. Vendrell was unavailable in New York.

In February 2002, IADL met with Mr. Chimimba, Office of Legal Affairs (New York) to discuss the IADL Seminar and Resolution, and to seek his advice about how to pursue options within the U.N. At his suggestion, IADL attended the Sixth Committee (Legal) of the U.N. in March 2002, and distributed a few copies of the resolution. We made it a specific point to speak with the Bulgarian delegation in the Sixth

Committee. Ms. Silvia Teneva, who presented a paper in Sofia, was part of that delegation, and we met with her. It was clear that the sanctions issue has been repeatedly addressed in the Sixth Committee and a number of countries there are affected by sanctions.

In February 2002, IADL also met with Mr. Marc Dorel, a lawyer in the ECOSOC office in New York, to seek his advice about ECOSOC channels. He informed us that no Sanctions Committee existed in ECOCOC, and suggested that the proper forum in which to address the issue would be the Human Rights Committee in ECOSOC. He also suggested informally approaching the Third and Sixth Committees.

In late February 2002, Lennox Hinds wrote to Mme Bridel, and requested an update on the HRC.

PROPOSALS: Based on our preliminary work, we concluded that the Sixth Committee in New York (rather than ECOSOC in NY) is the appropriate forum in which to continue work. The Committee meets between September and December.

Within this context, we propose 1) to target one or two countries for suggestions about how best IADL can contribute to the extensive work which has been done, and is ongoing in reference to sanctions. To implement this, Lennox Hinds has requested a meeting with the Ambassador of Cuba, H.E. Mr. Bruno Rodriguez Parrilla of Cuba, and the Ambassador of South Africa, H.E. Dumisani Kumalo. The purpose of the meeting is to offer IADL's legal assistance in this area, and to seek advice in identifying other countries which are concerned about the use of the embargo.

In addition, we propose that 2) Mr. Raymond Merta, the new Alternate Delegate in Geneva, be asked to follow-up on Mme Bridel's prior initiatives with ECOSOC, and that 3) copies of the resolution be distributed to key members of the Sixth Committee.

THE INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS INITIATES CAMPAIGN ON THE PROBLEM OF WORLD DEBT

To initiate the IADL campaign on the problem of world debt being spearheaded by IADL Bureau Member Fabio Marcelli; on October 30, 2003 IADL Vice President Lennox S. Hinds sent communications requesting the assistance of UN Ambassadors Dumisani Kumalo (South Africa) and Bruno Rodriguez Parrilla (Cuba) in presenting this issue and IADL's campaign to the General Assembly. The correspondence sent to the Ambassadors detailing IADL's position follows.

Dear Ambassador Rodriguez Parrilla /Ambassador Kumalo:

The International Association of Democratic Lawyers (IADL) is seeking an opportunity for Mr. Fabio Marcelli to meet with you on Friday, October 31, 2003. He is the distinguished President of the Association of Democratic Lawyers in Italy and an IADL member. He has come to New York to discuss IADL's resolve to initiate a worldwide campaign on the profoundly negative impact of foreign debt upon developing countries and to encourage the General Assembly to seek a consultative opinion from the International Court of Justice on the legality of the debt under international law for the reasons discussed in this correspondence.

The foreign debt now pressing upon all developing nation-states is depriving each nation's peoples of their unalienable rights under international law to sovereignty and self-determination, while its' disproportionate impact upon the poor deepens the ever widening gap among the rich and poor of each society.

The significant legal bases for the lawyer and jurist members of IADL to have determined that the ICJ could find that all treaties and contracts that generate these foreign debts are void and unenforceable both under customary contract law and international law is because when their terms were imposed by these nation's creditors and the International Financial Institutions (IFI) the unconditional terms demanded as a condition for

the economic survival of the people of these developing nations suffering from the legacies of colonialism and imperialism resulted in the deprivation of the most primary and essential human rights of these nations including education, healthcare, minimum nutrition and economic development in violation of international law.

Therefore, the Bureau and members of International Association of Democratic Lawyers have committed themselves to support a worldwide campaign to urge the General Assembly to adopt a resolution calling for a Consultative Opinion from the ICJ on the legality of world debt. The proposed resolution from the General Assembly might be drafted in the following terms:

We the undersigned members of the General Assembly of the United Nations seek a consultative opinion on the legality of foreign debt under all treaties and contracts from IFI which have generated the debt.

Considering the imposed rates of interest non-negotiable and conditions imposed upon debtor nations;

Mindful that the imposition of this debt upon developing nations lacked the requisite voluntariness upon which all legally enforceable contract law is premised;

Concerned that the human and economic needs of the people of these indebted nations are being violated each day that the terms of this illegal indebtedness is enforced.

Anxious to safeguard the sovereignty and self-determination of all debtor nations and;

Committed to ensuring that IFI are required to respect and implement international law in all its aspects including human rights jurisprudence.

Therefore, we members of the General Assembly agree to seek an Advisory Opinion from the International Court of Justice as soon as feasible as an essential step in securing economic justice in the world and ensuring that all world economic agencies submit to the rule of law.

Your Excellency, we look forward to the opportunity to discussing the resolution with you and to seek your assistance in obtaining support from other member nations of the General

Assembly. Please do not hesitate to contact me on this or any other matter.

IADL CO-SPONSORS INTERNATIONAL CONFERENCE ON PEACE ON THE KOREAN PENINSULA AND PLAYS A LEADING ROLE IN PYONGYANG INTERNATIONAL TRIBUNAL, JULY 2003

Background and Mandate

In September 1951, following the IADL Congress in Berlin in 1952, the IADL Council organized a Commission to investigate the allegations of U.S. war crimes in Korea. The IADL Commission, which included jurists from eight countries, spent seventeen days in Korea and interviewed more than one hundred witnesses. In addition, the Commission drew upon the 1951 report of the Women's International Democratic Federation.

At the May 2002 meeting in London, the IADL Bureau accepted the invitation from the Korean Democratic Lawyers Association (KDLA) to update IADL's 1952 Report on US War Crimes with the 50th Anniversary of the Commission. At the May 2003 meeting in Marseille, the Bureau re-affirmed the proposal to send a Mission to update the Report; agreed to co-sponsor the International Conference for Peace on the Korean Peninsula in Pyongyang, 22-29 July 2003; and resolved to sponsor and offer logistical assistance to the Korea Truth Commission at the meeting of the Sub-Commission on the Promotion and Protection of Human Rights in Geneva in July-August 2003.

In July 2003, the IADL Delegation was headed by President Jitendra Sharma and includes Alternate Representative to the U.N. Beth Lyons traveled to Pyongyang DPRIC.

IADL'S Role

IADL's 1952 Report, and the reports of the Women's International Democratic Federation (1951) and the International Scientific Commission on Biological Warfare in Korea and China (1952) attest to the significance and importance of fact-finding missions, both internationally and nationally.

IADL's 1952 Mission has been memorialized in the historical records of the DPRK, and is well

publicized in the country. At both the Victorious Fatherland Liberation War Museum in Pyongyang, and at the Sinchon Museum, large photographs depict the Report and its Findings, and museum guides talk about the Report.

The tasks of the IADL Mission in 2003, however, differed from those of the 1952 Commission. While there was no need to "re-document" U.S. war crimes during the Korean War, there was a need to record the continuing crimes against peace over the last half century, which have culminated in the current crisis on the Korean peninsula. But historical continuity was emphasized as we heard testimony in 2003 from one woman, Choi Gi Ok, now seventy-six years old, who had been interviewed in 1952.

IADL President Jitendra Sharma was asked to serve as Conference Chairperson, and as the Chief Judge of the Pyongyang International Tribunal. Beth Lyons served as Chief Prosecutor. Mr. Hussein Mujalli, the President of the Jordanian Bar Association and Deputy Secretary General, Arab Lawyers Union, served as the Officer of the Tribunal.

International Conference for Peace on the Korean Peninsula

The International Conference for Peace on the Korean Peninsula, scheduled to coincide with the 50th anniversary of the DPRK-US Armistice agreement, was a major national event. The Opening and Closing Sessions, held at the People's Palace of Culture, and chaired by IADL President Jitendra Sharma, were attended by several hundred people, including diplomatic representatives of the embassies of Cuba, Vietnam, Laos and Libya and Yang Hyong Sop, Vice-President of the Presidium of the DPRK Supreme People's Assembly, Mun Jae Chol, Acting Chairman, Korean Committee for Cultural Relations with Foreign Countries, and Chairman, Korean Committee for Solidarity with the World's People, a delegation from the Korean Democratic Lawyers Association, the Korean National Peace Committee, the Korean Afro-Asia Solidarity Committee and others. The Keynote Report was given by Rashed Khan Menon, Chairman, Central Committee of the Workers Party of Bangladesh.

The Conference program focused on US war crimes during the Korean War, the re-building of

North Korea and the continuing crimes against peace committed by the US in the last half-century. Most of the activities highlighted the role of the U.S. as the obstacle to peaceful resolution, and the leadership of Kim Il Sung in the defeat of U.S. imperialism. We visited Sinchon County to hear testimony, and visited the historical edifices and monuments to Kim Il Sung and Kim Jong Il.

Pyongyang International Tribunal, 23-25 July 2003.

The centerpiece of the Conference was the convening of the **Pyongyang International Tribunal**. The Indictment alleges that the U.S., during the Korean War and continues to the present, committed war crimes, crimes against humanity and crimes against peace and other crimes against the Korean people, in violation of the U.N. Charter, the Charter of the International Military Tribunal at Nuremberg, The Hague and Geneva Conventions, and other international instruments. The Tribunal's decision, finding the United States guilty, orders the U.S. to make an official apology; compensate the victims; investigate and prosecute those who are responsible; cease hostile policies towards the DPRK; withdraw its troops and nuclear weapons from the southern part of Korea; end its coercive measures; refrain from interfering in the internal affairs of Korea, contrary to the will of the Korean people for re-unification and peace.

The heart of the Tribunal was the evidence which included riveting testimony of survivors who had endured unspeakable crimes at the hands of the U.S. Military during civilian massacres between 1950 and 1953. Evidence included testimony from survivors, Ms. Song Gi Suk, who had lost both her legs; Ms. Hong Un Nyon, who had lost both eyes; and Ms. Li Ok Hui, who had lost both arms (at No Gun Ri). Expert witnesses included Prof. O Il Son on the Economic Blockade, Prof. Pak Yong Chol on National Reunification; and Dr. Han Yong Sim, a Member of the Korean Human Rights Institute. Mr. Mori Masataka presented a report on the Japanese Army's use of germ warfare in Korea. The Tribunal was also addressed by the Vice-President of the KDLA, and two conference delegates.

The Tribunal took evidence at a site of one of the civilian massacres, Sinchon County, where 35,000 people out of a population of 140,000 in the county were executed by the US military during a span of

fifty-two days in 1950, and from other victims who spoke at museums. At Sinchon, Kim Yun Mun and Kim Myung Kum, testified about how women were forcibly separated from their children.

Chief Judge Jitendra Sharma headed a team of judges which included Athanasios Pafiis, Executive Secretary, World Peace Council; Miguel Madeira, President, World Federation of Democratic Youth; Marcia de Campos Pereira, President, Women's International Democratic Federation; Paulette Pierson-Mathy, Honorary Chairperson, International Liaison Committee for the Reunification and Peace in Korea; Valentin Pacho, Deputy Secretary General, World Federation of Trade Unions; and Noury Abdel Razak Hussein Elkarm, General Secretary, Afro Asian Peoples Solidarity Organization.

Chief Prosecutor Beth Lyons headed a team which included George Katsiaficas, President, Peace Island Foundation (U.S.); Lorne Gershuny, Peoples' Front, Canada; Im Wan Sik, Vice Chairman, KDLA; Alejandro Cao de Benos, Chairman, Spain Association for the Friendship with Korea; and Aleksandr Brezhnev, East European Regional Group for Probing the Truth about GI's Atrocities.

Mr. Hussein Mujalli, the Officer of the Tribunal, who opened and closed the proceedings, emphasized the role of state terrorism in Iraq, Palestine, Sudan and Korea.

There were three final documents of the Conference: Letters to the U.S. Congress, to U.N. Secretary General Kofi Annan and an Appeal to the World's Peace-Loving People.

Conference Participants

Invited international conference participants included about sixty people, from twenty-five countries, representing all of the continents and many organizations. The debate at the Conference reflected the different ideological orientations of the participants. There were essentially two views: one, primarily emphasizing support for Korea's internal policies, which was advocated mainly by organizations such as Korea friendship associations and Juche study groups, and a second view, which reflected a more internationalist perspective, and primarily emphasized the issues of re-unification, condemnation of the threats of war held out by Bush Administration, withdrawal of US troops from

South Korea and the issues of peace and security in the Korean Peninsula. This latter view was projected by the representatives of peace and international solidarity organizations, Afro-Asian People's Solidarity Organization, World Peace Council, IADL, Jordanian Bar Association, and other international democratic organizations which were present. Throughout, the IADL took a forthright position from a broad international perspective and received wide support at the Conference.

Representatives of DPRK friendship associations, women's associations, and other mass organizations were present at the opening and closing sessions of the Conference and were observers at the Tribunal. Conference participants were paired with Korean guides from similar organizations (for example, IADL and ALU representatives were paired with the Secretary of the Korean Democratic Lawyers Association, who also served tirelessly as our interpreter).

International Solidarity

The importance of the Conference and Tribunal at this time, given the mounting aggression of the U.S., was underscored by the sizeable commitment of resources which had been allocated for this Conference. Most participants, including IADL, ALU, and others, expressed solidarity with Korea in an international context.

During the Conference, an International Solidarity Rally was held under the arch of two women, holding a map of a unified Korea. Koreans from Pyongyang and nearby areas lined the entire route of the rally, and cheered us on. Delegates wore T-shirts with the slogan "For the Reunification and Peace of the Korean Peninsula" on the front, and a map of one Korea with the slogan, "Korea is one," on the back. IADL President Jitendra Sharma presented a plaque on behalf of the Conference, to be placed in the hollow of the arch's base, with plaques from organizations and individuals from throughout the world.

Other Conference Activities

After the Conference formally closed, we attended the 50th Anniversary Gala in Kim Il Sung Square, the Schoolchildren's Palace and the Pyongyang Circus. These activities gave us a sense of the spirit of the Korean people.

Meeting with the KDLA President

After the Conference, Jitendra Sharma and Beth Lyons, on behalf of IADL along with Hussein Mujalli of ALU, met with Mr. Ho, the President of the KDLA, who is the Director of the Legislative Department of the Supreme People's Assembly (a ministerial-level position in the government). Mr. Ho praised the success of the Conference and commended IADL on its role. His remarks highlighted the current economic situation, as well as the political conjuncture. Re-iterating that the situation on the Korean peninsula was tense, and worsened by the nuclear crisis precipitated by the US, he emphasized the need for nation building. He said that strengthening the economic situation was a priority, and that the economic situation was improving, despite national disaster, collapse of the socialist market, and U.S. sanctions. He raised the subject of the free trade zones (Kaesang) and requested legal assistance in the area of economic development, trade regulations, etc.

IADL Meeting with Other Groups

During the Conference, IADL organized meetings with representatives of the World Peace Council, the Women's International Democratic Federation, Afro-Asian People's Solidarity Organization, World Federation of Democratic Youth, and World Federation of Trade Unions. The representatives agreed to begin minimal coordination of activities, starting with sharing information of organizational activities, such as UN activities and other international campaigns. The representative from the World Peace Council was requested to serve as a coordinator of the group.

Copies of the IADL Bulletin were given to interested Conference participants.

Follow up work

Immediately following the Conference, the IADL delegation in Geneva, through the efforts of Ms. Yoomi Jeong, Secretary-General of the Korea Truth Commission, distributed the Pyongyang International Tribunal's Indictment and Verdict to the U.N. Sub-commission, and requested that these documents be made part of the official records.

In addition, IADL's Permanent Representative to the U.N. Lennox Hinds sent the communication from the Conference to U.N. Secretary-General Kofi Annan, and the Tribune documents to the

U.N., with copies to the DPRK Mission in New York.

Conference and Tribunal Documents, including the Indictment and Verdict, are available upon request to President Sharma.

IADL DELEGATION TO THE 55TH HUMAN RIGHTS COMMISSION, SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, GENEVA, AUGUST 2003

IADL sponsored a successful delegation to the Human Rights Commission led by the Korea Truth Commission, of survivors of civilian massacres by the US military in South Korea. They submitted oral and written statements to the Commission, and sponsored a Korea Forum, entitled “Forgotten War, Forgotten Victims, and Forgotten Crimes.” In addition, the delegation submitted the documents of the New York International War Crimes Tribunal (June 2001) and the Pyongyang International Tribunal (July 2003), for their inclusion in the official record of the proceedings. IADL’s written statement, “Forgotten War, Forgotten Victims, and Forgotten Crimes” was officially circulated as a document of the proceedings.

A full report of the delegation’s activities was prepared by Yoomi Jeong, Secretary-General of the Korea Truth Commission, IADL’s written statement by the Secretary General follow and the U.N. and CONGO press coverage on the activities of the delegation.

Vice-President and Permanent Representative to the U.N. Lennox S. Hinds organized support for the delegation, including assistance from IADL Permanent Representative Renee Bridel, who met with the delegation’s leadership, Yoomi Jeong and Ik Tae Kim, Legal Advisor, Korea Truth Commission after the May Bureau meeting.

ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY

Written statement submitted by the International Association of Democratic Lawyers, a non-governmental organization in special consultative status to the 55th Human Rights Commission

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

'Forgotten War', 'Forgotten Victims' and 'Forgotten Crimes' US Military Massacre of Korean Civilians during the Korean War (1950-1953)

The International Association of Democratic Lawyers (IADL), an organization in consultative status with ECOSOC, represented at UNESCO and UNICEF and with affiliates in over ninety-six countries along with The Korea Truth Commission would like to draw your attention to the question of the right to retribution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms.

According to *Encyclopedia Britannica's* 1967 edition, 3 million people died during the Korean War, a vast majority of them civilians. On June 13, 2000, *The Washington Post* reported that more than 2.5 million out of a total of 5 million casualties during the three-year war were civilians.

July 27th of this year marked the 50th anniversary of the Korean armistice and yet the Korean War still remains the 'Forgotten War' to many people in South Korea and the United States. The suffering and pain of victims and their families—the 'Forgotten Victims'—are unanswered and unrecognized and the crimes that ranged from indiscriminate bombing and strafing of civilians, usage of weapons of mass destruction such as chemical and biological weapons remains as the 'Forgotten Crime'.

One of the important factors that contribute to this unfortunate legacy of the Korean War is the fact that these crimes were committed by the US military, thus directly raising the U.S.'s responsibility and accountability to these war crimes.

As a client government to the United States, South Korean governments did not have power or will to question the United State's responsibility on this issue. Instead South Korean governments had been operating virtually under a state of occupation, stipulated by the Status of Forces Agreement with the U.S.-all the while in the presence of 37,000 U.S. troops and over several dozens of U.S. military bases.

This de facto lopsidedness of South Korea-US relations severely undermined the national sovereignty of South Korea and further compromised the rights of its people particularly of the victims of the US military massacres during the Korean War.

A series of South Korean civilian and military dictatorships following the war systematically brutalized the people who were telling the truth, accusing them of being communist sympathizers. They feared this truth telling would expose the US military's massacre of civilians. With anti-communism as a matter of top national policy, they used the Anti-Communism Law and later the National Security Law in the ideological witch hunt and muzzled any voice of dissent against either the dictatorship or US war crimes.

The threat of death, torture and disappearance forcibly silenced US war crimes victims making these tragic events, which occurred 50 years ago largely remain in darkness.

For these victims of US war crimes who have experienced persecution and fear, silence is not at all surprising when you consider the history of truth telling. When South Korea's Syngman Rhee dictatorship was toppled by mass student demonstrations on April 19, 1960, a temporary political open space was created throughout South Korea, where thousands and thousands of people began to speak about the atrocities they suffered at the hands of the U.S. military during the Korean War.

This flurry of truth telling was brought to a halt when the US-backed military coup by a South Korean general named Park Chung Hee took place on May 16, 1961. Hundreds of people involved in the truth telling were tortured, jailed and some were killed by this new military dictatorship, which didn't want to ruffle the feathers of the US military.

Memorials and monuments people erected to

commemorate the dead were pulled down. Testimonies and records were destroyed. This brutal suppression sent a chilling message to those who dared to speak about U.S. war crimes. Those who spoke about U.S. war crimes were considered communist sympathizers who were creating a social disorder that would aid the North Korean communist regime.

Only the officially recognized version of the Korean War was allowed under the South Korean military dictatorships; anyone expressing otherwise was severely punished or executed. Such state suppression, incarceration, threat and torture forcibly silenced the victims.

During and after the Korean War Holocaust, state-sponsored persecution against the 'reds' and their families was so thoroughly executed and complete, it was not uncommon for families of these 'reds' to erase the 'subversive's' name from family records and thus from their memory. With institutionalized social and political discrimination against these families and against anyone who raised the voice about the US war crimes people fell to collective amnesia and lived with *Han*, a Korean term for long, suppressed grief.

Their half century long suffering finally was heard on September of 1999, when the Associated Press wrote a Pulitzer Prize winning article and began a series of articles based on a thorough investigation of a massacre that took place at the South Korean village of No Gun Ri in July of 1950.

Hundreds of villagers were pinned beneath a bridge for the duration of three days as U.S. military forces strafed them from aircraft, mowed them down with machine gun fire and fired mortars at them. It is estimated that some 400 civilians, mostly women, children and elderly, were massacred.

The AP articles carried not only testimony from Korean survivors and witnesses, but also from U.S. veterans of the Korean War who said they had taken part in the killings.

Previously classified documents located by AP reporters indicated that these were carried out under orders and with the full knowledge of their commanders.

The No Gun Ri massacre is now called the Korean May Lai because it is so similar to the U.S. military massacre at My Lai, in Vietnam.

Outpouring of public pressure pressed US and

South Korea to hold investigation on the No Gun Ri massacre. However the US-South Korea joint investigation produced very disappointing reports, basically claiming that this was an isolated action of inexperienced individual soldiers who were inadequately trained.

The former U.S. President Clinton acknowledged that it did happen but he did not offer an apology instead he expressed "regret." And further, the US government decided to ignore the issue of reparation for the No Gun Ri victims and all other massacre victims.

Thus no action has been taken so far both in South Korea and in the US to bring healing and peace to these victims.

Recently, from years of struggle for democracy, freedom and self-determination in South Korea, more political space has been opened. This situation coupled with positive steps taken toward peace and reunification between North and South Korea, has meant that these victims, their families and other witnesses of these war crimes now feel somewhat less fearful to tell their stories.

To represent these powerless and voiceless victims of US war crimes, the Korea Truth Commission on U.S. military massacres of civilians was established to systematically investigate, document and disclose the details of these mass killings of civilian villagers and refugees. Thus far, over 100 sites of massacres are identified in the southern part of Korea alone and much more in the northern part.

At the onset of the Korean War the fact-finding delegation was dispatched by the International Democratic Lawyers Association, the Women's International Democratic Federation, and the International Scientific Commission on Biological Warfare in Korea and China. The commission reports from these fact-finding delegations are filled with eyewitness accounts of horrific civilian massacres and evidence that implicated the use of biological and chemical weapons, in direct contravention to the treaties signed in the Geneva Conventions of 1949.

As part of the investigation, international delegations have visited massacre sites and heard the stories of people who were strafed by U.S. planes when they were children, people who managed to survive but who saw their mothers,

fathers and neighbors mowed down -sometimes by the hundreds-as they waved their white flags to indicate they were civilians and not the enemy.

The International Association of Democratic Lawyers urges the Sub-Commission on the Promotion and Protection of Human Rights to:

-Recognize the grave human rights violation by the US military by adopting a resolution condemning these violations and calling upon the UN to investigate US war crimes and their use of weapons of mass destructions in South and North Korea.

-Recommend the US government to publicly apologize to these victims.

-Urge the US government to immediately process reparations for these victims.

Report on Delegation to Sub-Commission on the Protection of Human Rights, Geneva, by Yoomi Jeong, August 17, 2003

The two main goals we had in mind...were met, not completely but reasonably.

1. Internationalize US military's Korean Civilian Massacres

- **Written statement** – This was circulated on internet and as a hard copy to the participants.

[http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.2003.NGO.12.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.Sub.2.2003.NGO.12.En?Opendocument)

- **Oral statement** – It was well received and the presence of survivors at the plenary session as it was delivered, made an impact on the UN Sub-Commission members, who later met with the Korean IADL members to discuss future collaboration. Both Pyongyang and New York tribunals were introduced.

See oral statement and also UN press release.

<http://www.unhchr.ch/hurricane/hurricane.nsf/NewsRoom/Subcomm?OpenFrameSet>

- **Korea Forum** – Through photo display, testimonies and questions and answer session, the delegates had a lively exchange of information and ideas about how to proceed in future.

See CONGO report on Korea Forum

<http://www.ngocongo.org/ngonew/sub-com-hr.htm>

- **Lobbying** – The delegates met with both North and South Korean UN representatives in Geneva. Both were very helpful. We had a special meeting with SK Ambassador at the Embassy.

The delegates also met with Special Experts in the Sub-Commission who shared our interest and we gave them the information.

The delegates met with US representatives in Geneva asked them to meet with us. They did not and we later gave them a letter addressed to the US Ambassador to have a talk with our delegation, this did not take place due to the time factor and the sensitivity. According to their First Secretary, the issue was too sensitive and important for them to decide, he said that they needed to consult with the State Department in Washington DC.

We met with other NGOs and discussed the topic.

- **Outreach** – The delegates prepared over 100 Joint Reports on US war crimes [shorter version] and 30 video tapes on the New York tribunal and distributed to the key individuals at the session.

The delegates handed out KTC brochures, written statements, and oral statements.

The delegates wrote a letter to all 26 Special Experts at the Sub-Commission and asked for their assistance and guidance with our project.

The delegates issued a press release about the Korea Forum and called and distributed to key media people at the UN.

- **Media** – The delegates had coverage on Yunhap News and Ohmynews of South Korea. Our activity will appear on Mal magazine also.

2. To bring UN sponsored special representatives from both Koreas to investigate US War Crimes

The delegates had a special meeting with Vice Chairperson Mme. Florizelle O'Connor, who took great interest in our project. She gave encouragement to our survivors for their courage and persistence to bring healing and peace to this issue.

We gave a short briefing on our project and asked Mme. Florizelle O'Connor for her assistance to make the issue more prominent in the UN Human Rights sessions.

Mme. Florizelle O'Connor indicated that she needed more information about the issue and told us that she will try to organize a special session at which our survivors can give testimonies to the human rights commissioners. When asked if she and her colleague are interested in visiting both Koreas to investigate US war crimes, she said that if the invitation was coming from both Koreas, this proposal would be considered.

The Korea Truth Commission plans to have an evaluation of our activities and strategize our future plan of action on March 2004 UNHCHR session and also to invite UN investigators to both Koreas.

Participants:

Yoomi Jeong – KTC Joint Office -USA

Ik Tae Kim – Legal advisor to KTC Joint Office in Chicago -USA

Hwang Kye Il- Survivor – SK

Im HakSup – Victims family – SK

Haesook Kim – Administrative Director – KTC- SK

Chapter

Cho Hyun Kee – Executive Director – National Organization for Victims Family – SK

Choi Seung Ho- Investigator – Kyung San Cobalt Mine

Hwang Sungwon- Videographer –SK

Kim Soojin - Germany

Choi Hun - Germany

Lee Sung Mi - SK

Song Yonggeun – SK

THE UNITED NATIONS ISSUES PRESS RELEASE ON THE KOREA TRUTH COMMISSION CONFERENCE HELD AUGUST 2003

Yuomi Jeong, of the International Association of Democratic Lawyers, stressed the presence in the room of a South Korean survivor of the United States massacres in that country during the Korean War. One of the factors that had contributed to the unfortunate legacy of the Korean War was that crimes had been committed by the United States military under the auspices of United Nations Special Forces, thus directly raising the United States' responsibility and accountability for these war crimes. In South Korea, a series of civilian and military dictatorships following the war did not

have the power or the will to question the United States' responsibility on this issue. De facto lopsidedness of South Korea-United States relations, highlighted by the presence of 37.000 United States troops in South Korea, severely undermined the national sovereignty of South Korea and further compromised the rights of its people, particularly the victims of the United States military massacres during the Korean War. No action had been taken so far to bring healing and peace to these victims.

The Korea Truth Commission had been established to investigate, document and disclose the details of these mass killings of civilian villagers and refugees. The United States was guilty of war crimes and crimes against humanity and peace in Korea. To guarantee that such heinous violations of human rights would never again take place, to guarantee that such terrible wars costing countless lives on both sides and jeopardizing the peace of all humankind could be prevented in the future, the Association implored the Commission to investigate and disclose the truth, and called for the United States to apologize and provide compensation to the victims of the United States massacres of Korean civilians, even though they took place 50 years ago.

UN CONGO Highlights Events of The Korea Truth Commission Conference; A Quiet Unknown Episode of the Korean War, “Forgotten War, Forgotten Victims and Forgotten Crimes”

The Korea Truth Commission (KTC) and the International Democratic Lawyers Association organized a meeting dealing with a dramatic and quiet unknown episode of the Korean war (1950-1953): US military massacre of Korean civilians. Eyewitness testimonies by survivors, archives photographs as well as a documentary gave this gathering an emotive and special tone.

The organizers first gave the floor to two survivors of these tragic events. They testified and recalled sometimes with palpable emotion, their pains and sufferings as well as their families' that are still unanswered and unrecognized half a century later. M. Hwang Kye Il who was a seven years old child at that time explained his own

experience having to wait ten years before being able to receive a facial surgery. M. Lim Hak Sup also testified on behalf of his mutilated mother. During decades these victims were unable to testify because they could be accused of being "communist sympathizers" and suffer social discriminations. There is an urgency to testify, as many evidences of civilian massacres are about to disappear. "Young people are not aware about what happened to the older people [...] I came all the way to prevent further massacre," explained M. Hwang Kye Il. Joining his voice, the Executive director of the National Association of Victims Families, Cho Hyun Ki, explained how ironic this situation was, as these victims intending to testify were jailed and tortured by South Korean government. Their testimonies were supported by a documentary untitled "Divided country, disposable people", which gave a genuine history of the US involvement in the Korean Peninsula since 1945. That documentary give the view of American veterans criticizing US motivations and means used during the war, including biological and chemical weapons. This fact has been recently revealed through declassified Chinese archives.

As Ms Yoomi Jeong (KTC deputy secretary general) pointed out, these testimonies are aimed at bringing the International Communities attention to the issue of Korean crisis. That would facilitate a peaceful and comprehensive reconciliation between all the parties including the United States. KTC reckons that asking for reparations and apologies for the victims is part of this process "The U.S. starts war in the name of peacekeeping but in my sense this is not the right thing. They are still not answering the appeal from the victims. Even if the bombing ended, the war has not ended in Korea. As long as the sufferings are not recognized this war is not ended." In the words of M. Hwang Kye Il

In the end Ms Yoomi Jeong told the Assembly that it was in discussion the proposal to set up a US war crime court in Europe, possibly in Geneva. She expressed her hope of raising this issue again next year and call to create a bidding web of peace building activists.

By. John Auran-Clapot and Jérôme Gyax

US Peacekeepers Immunity From Jurisdiction of ICC Approved for Another Year by The UN Security Council, 12 June 2003, U.N. Headquarters, New York

The U.N. Security Council approved a one-year renewal of a 2002 resolution, which exempted U.S. peacekeepers from the jurisdiction of the International Criminal Court. In 2003, Resolution 1422 was passed by a vote of 12 to 0; France, Germany and Syria abstained. In 2002, the resolution passed with a vote of 15 to 0. At this open session, seventeen of the nineteen speakers opposed the resolution, and Secretary-General Kofi Annan stressed that renewal should not be viewed as an annual routine action; the language of 1422, "review as long as may be necessary" should not be interpreted to mean automatic renewal. The representatives from Canada, New Zealand, Jordan, Switzerland, Lichtenstein, and Greece (speaking for the European Union) argued that the resolution was a misapplication of Article 16 of the Rome Statute (which provides that the Security Council, by a resolution under its Chapter VII powers, can defer an investigation or prosecution for twelve months, and may request renewal of the same) which did not empower the Security Council to re-write the treaties and should be invoked only in conformity with the whole of the Statute; the ICC Statute already addresses issues of frivolous prosecutions; Resolution 1422 appears to side with impunity and undermine historic advances to combating impunity; and Resolution 1422 damages the credibility of the Security Council. The Islamic Republic of Iran emphasized the erosion of credibility and undermining of international law, in view of the U.S. illegal military action in Iraq, and its circumvention of the Security Council.

Third Assembly of States Parties (ASP), 8-12 September 2003, U.N. Headquarters, New York

This session of the ASP was the last session to be held at U.N. Headquarters in N.Y; the fourth

session will be convened in The Hague, Netherlands, from 6-10 September 2004.

The President of the Assembly, Jordan's U.N. Ambassador Prince Zeid Al Hussein, presided over the proceedings. During the session, President of the International Criminal Court, Judge Philippe Kirsch, Prosecutor Luis Moreno-Ocampo and Registrar Bruno Cathala addressed the delegates. To date, ninety-two nations have ratified the Rome Statute. A full report of the session, including all documents in six languages, is available at www.un.org/law/icc/asp/second.htm.

Highlights of the meeting include the adoption of a 2004 Budget, the election of a Deputy Prosecutor for investigations, Serge Brammertz (Belgium), and the election of a Board of Directors for the Victims' Trust Fund.

During this third session of the ASP, work focused on meetings of Working Groups on the Budget, Staff Regulations, and the Crime of Aggression, in addition to the plenaries. At the end of the session, the ASP adopted resolutions in some of these areas, and proposals for continuing discussions.

Budget: The ASP approved appropriations totaling US\$53.07 million for the court's expenses, including, \$5.78m for the Judiciary; \$14.04m for the Office of the Prosecutor; \$30.65m for the Registry; \$2.6m for the ASP's Secretariat; and established a Working Capital fund for 2004 in the amount of \$4.43m. The Committee on Budget and Finance will meet twice at The Hague, 29-31 March 2004 and 2-6 August 2004, prior to the next ASP.

Aggression: The Chairperson of the Working Group (WG) reported that during the session, the WG was only able to consider the definition of the "crime of aggression" and the "act of aggression." Much of the discussion focused on Cuba's proposal for a definition of the crime of aggression. Cuba's proposal includes the new element of acts against "economic independence," which is not mentioned in GA Resolution 3314; the GA Resolution has been the fundamental starting point for all discussions of what constitutes aggression. All the documents on the Crime of Aggression are available at

www.un.org/law/icc/documents/aggression/aggression_docs.htm. The discussion papers from the Coordinator, PCNICC/2002/WGCA/RT.1/Rev.1

and Rev.2, and the Historical review of developments relating to aggression, prepared by the Secretariat, PCNICC/2002/WGCA/L.1 are especially useful.

Victims' Trust Fund: The elected Board of Directors include: Rania Al-Abdullah, Queen of Jordan; Oscar Arias Sanchez, former President of Costa Rica and Nobel Peace prize Laureate; Tadeusz Mazowiecki, former Prime Minister of Poland and Chairman of Poland's Robert Schuman Foundation; Desmond Tutu (South Africa), Archbishop Emeritus and Nobel Peace Prize Laureate; and Simone Veil (France), former minister of Health and former President of the European Parliament. Additional information is available at www.victimstrustfund.org

Issues related to the International Criminal Bar: At the Plenary on the International Criminal Bar, Registrar Bruno Cathala stated that a final Code of Conduct for lawyers would be submitted to the next ASP session. He also proposed creating an advisory body of high-level experts, meeting twice yearly, to provide on-going advice to the Registry on issues related to defense and victims' counsel. Pursuant to Rule 20 (3) of the Rome Statute, the Registrar has been consulting with organizations and attorneys. In January 2003, a consultation was convened on the code of conduct, assignment of lawyers and the roster of lawyers. Coordinator Hans Bevers (Netherlands) suggested that these efforts continue, in terms of defense and legal representation of victims. In addition, Brazil, supported by Latin American countries, suggested that the next ASP agenda include an item on "Matters related to defense and legal representation before the ICC."

The coordinator also reported that discussions could not be finalized with the organization, the International Criminal Bar. At this session, concerns were raised by delegates about the ICB's geographical representation and transparency.

Complaints received by the Office of the Prosecutor: Between July 2002 and July 2003, the office has received 499 communications, from both individuals and non-governmental organizations in 66 different countries.

MEETING OF THE "FRIENDS OF THE ICC," AT THE GERMAN MISSION TO THE U.N., 10 SEPTEMBER 2003

Formerly the Like-Minded Group [of States] in support of the ICC, the newly named Friends of the ICC luncheon was hosted by the German Mission to the U.N. Diplomatic representatives and NGO representatives attended.

Convened half-way through the ASP session, the presentations focused on proposals to be included in an omnibus resolution for the ASP; a review of the international criminal bar plenary discussion by Co-coordinator Hans Dever; a presentation on the NGO Coalition efforts by William Pace, and regional reports on ratification from the Arab countries and Latin America and Asia.

The resolution included proposals for, rules for Judges to be an agenda item at September 2004 ASP; the independence of the Committee for Budget and Finance; transparency in prosecutorial strategies; contrary to SC resolution 1422, there should be a paragraph in documents that the ICC contributes to world security; that the New York office of the ICC should address all aspects of ICC work, and not be an "outpost"; that the ASP monitor implementing legislation for the Rome Statute, and offer technical assistance to States.

The discussion on the international criminal bar focused on the need to consult with both defense and victims' attorneys.

A REPORT ON THE HIGHLIGHTS OF THE UN CONFERENCE IN SUPPORT OF THE PALESTINIAN PEOPLE, 4 & 5TH SEPTEMBER 2003, UN HEADQUARTERS, NEW YORK

IADL Member Gloria Bletter attended the 2003, UN Conference open in Support of the Palestinian People in New York. Her report follows.

Last year, my report on the Sept. 2002 meeting reviewed the background of the establishment of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which has convened this meeting annually since 1983. The frustration and sense of urgency expressed then still exists, and the intervening event of the US' invasion of Iraq has

provided cover to the militaristic occupation of the Occupied Territories [West Bank, Gaza, and part of Jerusalem]. The attack on Iraq was foreseen at last year's meeting. How to respond to Israel's "me too" use of the War on Terrorism as a rationale for "transferring" [ethnically cleanse] Palestinians out of all of the Occupational Territories, was then discussed. But the Israeli government continues to accomplish this goal indirectly, by constructing the huge "Apartheid" or "Separation Wall" which now overshadows, literally and figuratively, the lack of Palestinians' access to their lands and means of survival. Because everyone present recognized the threat of this Wall, it became a focal point around which to organize some follow-up activities.

SEPARATION WALL: Over the course of the two days, there were four Plenaries, each with presentations by experts on a range of topics. After the thorough factual and visual presentation by Jamal Juma, Coordinator of the Palestinian Environment NGO Network (PENGON), there appeared to be consensus that that group of NGO's would take a leadership role in following up this issue. Mr. Juma made a plea for all groups to work together on opposing the construction of the Wall; Palestinian NGO's plan a week of actions beginning November 9th--the anniversary of the fall of the Berlin Wall--and it was agreed that other international NGO's would support those actions. This Campaign can be reached through:

<www.stophthewall.org> or <outreach@pengon.org>

ROAD MAP: There was much discussion on whether the "Road Map" proposed by the Bush Administration, but endorsed as well by the UN, EU, and Russia [which, with the US, comprise the 'Quartet'], was still possible as a plan to establish an "independent, viable and sovereign Palestinian state" by 2005 and to secure peace in the area. Jeff Halper, anthropologist and founder of Israeli Committee Against House Demolitions, charged that not only should the Road Map be declared a failure, the latest in a line of proposals undermined by the fact and brutality of the Israeli government's occupation and the US' financial underwriting of these violations, but that he also sees the end of the "two-state solution." He argued that territorially, Israel has created ONE state, that its occupation will not be dismantled, and that NGO's should now expect or work towards two unacceptable

alternatives which follow,

--a **Bantustan state** controlled by Israel, with Palestinians relegated to pockets of settlements, with no political power; **or** --**One state**, with a democratic government and equal rights for all. Israeli institutions would continue; Palestinians would lose their right to self-determination, but both cultures and economic status could co-exist and possibly flourish.

The audience received Jeff Halper's talk with various emotional reactions. It was distressing to give up the long fight against the Occupation and the idea of a separate Palestinian state. Most NY Jews Against the Occupation (JATO) activists are not ready to do this. It was pointed out that moving towards one state would "in many ways cement the occupation and imbalance of power... One of the lessons of So. Africa is [that] white supremacy has been maintained in certain socio-economic ways, with the active assistance of international corporate and monetary structures." [Naomi Braine, panelist from NY Jews Against the Occupation JATO]

Phyllis Bennis of the INSTITUTE FOR POLICY STUDIES, who coordinated several of the panels and the final Presentation of the Plan of Action, and a long-time critic of the US and UN failure to enforce international law in the Middle East, stated that the Road Map was really NOT a viable peace process at the outset; it actually continued the US attempt to legitimize its domination in that area, along with its invasion of Iraq. The UN should have been in the lead here, and crucial issues were put off. As she proposed last year, international governmental bodies, along with international civil society, must be in partnership with each other, and the locus of the debate should be in the General Assembly. Through that process, the role of the UN may be reclaimed.

Naomi Braine of NY Jews Against the Occupation (JATO) fears making the UN the focus of political activity, since she sees a more effective strategy in working against the US role in funding all of Israel's illegal actions, including the Wall. Also, US and other NGO's should continue exploring divestment and boycotts. She discussed the layers of discourse within the US on these issues--public identification, through the media, with Israel's "suffering" as victims of 'terrorism'; the Christian Zionist right-wing collaboration with US corporate

investment in Israel's military and police; and the training of Jewish youngsters in the 'glory' of Zionism, which marginalizes dissent. Josh Ruebner of the US Campaign To End The Occupation spoke about organized efforts to engage with and influence US elected officials.

Europeans are very concerned about the situation, since it is close to home, and they fear the breakdown of peace, especially given Israel's nuclear and other weapons of mass destruction. NGO's there have begun to take action against the Wall, and have also begun a campaign against buying any fruit from Israel unless it is clear that such produce was not grown in any of the illegal settlements within the Occupational Territories. Gretta Duisenberg of Amsterdam hopes that the EU will support a ban on the export and transport of military equipment to Israel through Europe's airports; as such arms are being used in violation of international law. Also suggestion made that governments, which are donors to specific projects in the area, e.g. Japanese pier construction, require in their contracts that if Israel destroys those facilities, it must repair or repay the cost to the donor. [More info needed.]

CONCLUSION AND PLAN OF ACTION: There was agreement that an international intervening 'third party' peace force, as was endorsed at last year's meeting, would only work if it was accompanied by a clear ban on Israel's continued encroachments, such as the construction of the Wall, and that this ban requires continual monitoring and enforcement by international institutions. To this end, a letter was drafted to be sent to the Secretary General and to the current Presidents of the General Assembly and the Security Council. This letter, dated 5 Sept 2003, is from the NGO's gathered at this year's meeting, and reiterates support for a "protection force...[to] implement outstanding UN resolutions." It could lead the way to activating the alternative "Uniting For Peace" procedure by which the General Assembly takes up an issue which the Sec Council is unwilling or unable to consider, and thus brings the discussion into the public arena both within states and in the UN.

BRING DOWN THE WALL CAMPAIGN: A pledge to work with Palestinian organizations against further construction of the Wall. The intent

is to share resources for educating the global public, and to build support for the International Week of Action Against the Wall, Nov 9-16, 2003; it is hoped that Resolutions against the Wall will be formulated in both the General Assembly and Sec Council in conjunction with the annual November 29th Int'l Day of Solidarity with the Palestinian People.

WORKING GROUPS FORMED FOR FOLLOW-UP AND COORDINATORS as of Sept. 5, 2003:

Labor--Chris Doyle, Council for the Advancement of Arab-British Understanding (CAABU) London;
Legal--Tom Nelson, Americans United for Palestinian Human Rights, Oregon, (also NLG and IADL). **Women and Children**--Maha Nasser, General Union of Palestinian Women, Ramallah
Environmental--John Reese, US Campaign to Stop the Wall, Washington, DC, and Jamal Juma, PENGON, Jerusalem; Faith--Kathy Bergen, Amer. Friends Service Committee, Philadelphia;
Media--Alison Weir, If Americans Knew, California;

Medical & Health--Claudette Habesh, Caritas Jerusalem;

Divestment--?

The Legal Working Group is interested in litigation under the Fourth Geneva Convention, to prosecute Israeli military officers responsible for war crimes or crimes against humanity. ISM, NLG, IADL may be interested. Contact: <nelson@nlk.com> Tom will be in Occupational Territories after Oct 6th for a short time.

Women--Maha Shamas of the Women's Center for Legal Aid in Jerusalem was a panelist, but more discussion of women's' peace actions and Sec Council Res. 1325 would have served as a reminder of this important resource. Also note the article about the Wall, "Another Kind of Road Map," from the WILPF Palestine Section office is of great interest, contact: <ChristineLane2002@yahoo.com>

Bilateral Immunity Agreements/a.k.a. Article 98 (Rome Statute) Agreements

Since the Rome Treaty was entered into force in July 2002, the United States has secured immunity agreements with more than 60 countries to not surrender any US national or US military/government employee (past or present,

including contractors and non-nationals) to the ICC. In July 2003, President Bush suspended nearly 50 million dollars in military aid to 35 countries who had refused to sign non-extradition agreements. Four of these countries later signed the agreement, and the US agreed to resume military aid. Ten African countries are among the ICC parties who have not accorded immunity to US citizens: Benin, Central African Republic, Lesotho, Malawi, Mali, Namibia, Niger, South Africa, Tanzania and Zambia.

UN SECURITY COUNCIL RESOLUTION 1502 AFFIRMING ATTACKS ON HUMANITARIAN WORKERS ARE WAR CRIMES

On August 27, 2003, after the attack against the Headquarters of the U.N. Assistance Mission in Iraq (UNAMI) in Baghdad, 19 August 2003, the Security Council unanimously passed a resolution which affirmed that attacks on humanitarian workers are war crimes; but, at the insistence of the U.S., omitted any references to the International Criminal Court. Mexico, France, Russia, Germany, Bulgaria and Syria had originally sponsored the resolution, which was stalled by the U.S. in April 2003.

ACTIVITIES REPORT OF THE NATIONAL AFFILIATES OF THE INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

ACTIVITIES OF THE ITALIAN ASSOCIATION OF DEMOCRATIC LAWYERS FROM MAY TO OCTOBER 2003, Fabio Marcelli reports:

- **Labor law:** The Italian Association supported the referendum aiming to extend job stability to small enterprises;
- **Institutions:** The Italian Association supported the independence of judges against the attack by the Berlusconi government;
- **Status of aliens, migrants and refugees:** The Italian Association joined the struggle

against discrimination and for the abolition of the so-called CPT (center of temporary permanence);

- **European Law:** The Italian Association participated in the activities of the Forum for the European constitutional democracy and its efforts for a European Constitution based on democratic consent of the European peoples and guaranteeing political, social, economic and cultural rights to citizens and migrants without any discrimination;
- **International law:**
 1. The Italian Association supports initiatives against the war and the unlawful occupation of Iraq by US and its' allies;
 2. The Italian Association supports an international tribunal against the crimes of aggression, war and against humanity occasioned by the Iraqi war;
 3. The Italian Association champions the struggle for a just peace in Middle East based on two independent and sovereign States. Observations of the trials against the Palestinian leader Marwan Barghouti and the young Israeli refusniks;
 4. The Italian Association champions the struggle for the life of President Abdullah Ocalan and a just peace in Turkish Kurdistan;
 5. The Italian Association supports the struggle for a just peace in Colombia and the preservation of the fundamental rights of the people.
 6. The Italian Association supports sending a letter to the president of Niger, Tandja Mamadou, requesting the immediate release of the democratic leader Moussa Tchangari;

The Italian Association of Democratic Lawyers will hold its National Assembly in Bologna the 8th and 9th of November 2003. The preparatory document as well as other materials relating to other activities can be found at www.giuristidemocratici.it".

ACTIVITIES OF THE BULGARIAN JURISTS' UNION FOR 2003

Iossif Geron reports:

- In December 2002, the Bulgarian Jurists participated in the project, "Reaction Mechanisms Against Discrimination, Racism, Xenophobia and Anti-Semitism in Law and Judicial Practice of Countries - of Central European countries members of the European Union and Bulgaria."
- A group of experts from the Bulgarian Jurists' Union analyzed the judicial practice by means of certain articles in the Bulgarian Penal Code. Madam Hadassa Ben Itto, President of the International Association of Jewish Lawyers and Advocates came for the presentation of this project.
- A conference entitled, "To Apply International Law in a Changing World in Good Conscience," was organized in the Main Hall of the Bulgarian Jurists' Union. At the conference, Madam Ben Itto presented her book, "The Lie That Would Not Die," dedicated to unmasking false "protocols of the wise Zionists."
- The Bulgarian Jurists' Union bestowed upon Madam Ben Itto, an honorary diploma and the symbol of the Bulgarian Jurists' Union to consolidate the relations between the two associations.
- In honor of the 130 anniversary of the death of national hero, Vassil Levski - February 17, 2003, a scientific session, "The Judicial Process 1972-73. Historical, Judicial and International Aspects," was organized in the Main Hall. The session was in two parts: history and judicial. Eminent jurists spoke on the jurisprudence of the 19th Century and the judicial process. Among them was Mr. Dimitar Popov of the Republic of Bulgaria. A collection of articles on the session was published.
- The XI Congress of the Bulgarian Jurists' Union was held on March 28. The agenda comprised of the annual report of the Union and the budget for 2003. 70 delegates from 50 member

associations of the Bulgarian Jurists' Union from throughout the country participated in the Congress.

- April 16 was Bulgarian Constitution Day and Bulgarian Jurists Festival. On this occasion, the Bulgarian Jurists' Union organized several activities - Formal Meeting in the Main Hall with a speech from the president of the Constitutional Court; a philharmonic concert by jurists; an exhibition by jurists-painters; cocktail in the restaurant of the Bulgarian Jurists' Union. At the same time, a round table on "The Constitution and the Judicial System," was held.
- The Bulgarian Jurists' Union took part in a conference organized by the AEJDH on May 17-18 at Geneva on "War Crimes."
- The Bulgarian Jurists' also attended the IADL meeting in Marseille on May 20-26 as well as the conference, "Recent Challenges to International Law and Universal Public Order and Our Tasks."
- In May, the Bulgarian Jurists' Union awarded two prizes for the best students in civil law during the presentation of the collection by Prof. Vitali Tajer.
- A round table on "Deontology of the Judicial Professions was organized on June 6 in the Main Hall of the Bulgarian Jurists' Union and adopted a final document.
- In September, the Bulgarian Jurists' Union participated in a conference organized by the European Association of Lawyers for Democracy and Human Rights in Dresden on "Independence of the Prosecutors."
- Recently, the Bulgarian Jurists' Union was represented by their Vice President and approximately 10 members at a conference organized by the Jurists Association of the Republic of Macedonia on the occasion of its 35th anniversary.
- At the end of this year, the Bulgarian Jurists' Union will participate in the meeting of the International Bureau of the IADL in Damascus and the Administrative Board of the AEJDH in Paris.

During this year, the Bulgarian Jurists' Union also published approximately one dozen issues of its two

publications - "Society and Law" and "Judicial Tribune."

ACTIVITIES OF THE FRENCH ASSOCIATION DROIT SOLIDARITÉ (DS) FRANCE

Roland Weyl reports:

Since the Bureau meeting in Marseille, Droit Solidarité has been involved in the following activities on behalf of IADL:

- * Preparation of the report on the Marseille Conference in both French and English.
- * Preparation of the European Social Forum in Paris November 2003.
- * Assisted in the preparation of a demonstration for sovereignty of the Iraqi people.
- * Organized a working group of Inter-NGO's about the new forms of racism and discrimination in context with the IADL draft.
- * Edited a brochure about the importance of the UN Charter.
- * Organized solidarity activities on behalf of the Palestinian peoples right to self-determination.
- * Prepared and organized a seminar and public dinner in conjunction with the visit of Columbian Lawyers to Paris.

The Activities of the National Lawyers Guild (NLG) USA; Jeanne Mirer reports on activities since the Marseille Bureau Meeting

During the Bureau meeting in Marseille, Nancy Hormachea and Audrey Bomse reported on activities of the Middle East Sub-Committee of the International Committee of the NLG. These activities included a plan to provide legal assistance to Israeli and Palestinian NGOs which were representing Palestinian prisoners. Since Marseille the NLG has sent two legal brigades to Israel/Palestine and are continuing to recruit other lawyers to go. Because there are some similarities between US and Israeli criminal law, we have set up a working group of lawyers who are working directly with Palestinian and Israeli Lawyers,

writing motions to dismiss cases, and other motions, along with briefs for use by the lawyers in the courts. These motions and briefs are being translated into Hebrew and have been very useful. A memorandum written by Nancy Hormachea on the Convention on the Rights of the Child, helped win the freedom for a fourteen-year-old female prisoner who was facing five years in prison for throwing rocks at Israeli tanks.

The National Lawyers Guild and the IADL have also, submitted two Amicus briefs to the Israeli High Court. One case challenged the Israeli policy of targeted assassination, and the other challenged the Security Wall.

In addition, the committee met with Fabio Marcelli at the National Lawyers Guild Convention in Minneapolis to discuss further joint action. Fabio Marcelli has been very active in Italy and the European Association of Lawyers for Democracy and World Human Rights on behalf of Palestinian prisoners and in particular at the trial of Marwan Barghouti. It is hoped that the work of these groups will be vastly expanded in the next period with the IADL, through its affiliated organizations, gaining significant credibility with both Israeli and Palestinian NGOs and will be able to contribute significantly to the finding of a way to peace.

The International Commission for Labor Rights (ICLR)

The International Commission for Labor Rights, a joint project of IADL and the International Center for Trade Union Rights. (ICTUR) held a meeting in Geneva in conjunction with ICTUR's annual administrative meeting. The focus of the meeting was to finalize the missions to Colombia which are slated to begin next year. Members of the three trade union federations, and the president of the Mineworkers Union for Colombia were present and made presentations. The missions will focus on two areas of work: the assassinations and other attacks on Trade Union leaders in the extractive industries in Colombia, and the impunity with which these attacks have been carried out. The coordinators of these missions are traveling to the AAJ meeting in Buenos Aires to recruit lawyers to serve as Commissioners and as members of the Colombia missions.

Agent Orange

The working group on Agent Orange has actively done research, to try to find ways to compensate the Vietnamese victims of Agent Orange. The working group will travel to Vietnam during the week of November 17th to begin dialogue with Vietnamese scientists, researchers and lawyers.

People's Tribunal and Challenges to the Legality of the War in Iraq

The International Committee of the NLG sponsored two workshops at the Minneapolis Convention, (October 22 to 26) on the current international situation. These workshops were entitled "Unilateral Power v International Law" and the 'War on Iraq and Beyond". Fabio Marcelli from IADL gave an excellent paper and the proposed statute for the IADL Tribunal On the Illegality of the War drafted by Lennox Hinds was presented. Papers from those workshops will be published in the Lawyers Guild Practitioner. Working groups have been established to work on the key issues of the illegality of the war, supporting persons in the military who are opposed to the war, and efforts to close the US concentration camp in Guantanamo Bay

The National Lawyers Guild (NLG) International Committee Declaration November 2003

International Committee Policy Statement:

This is a moment in U.S. history when the government's imperialist aspirations have never been more naked and apparent. In the guise of anti-terrorism, concepts of pre-emptive war, occupation, corporate globalization and the erosion of constitutional liberties are being articulated as the cornerstones of the expansion and realization of an American global empire. This analysis in fact underlies much of the work of the Guild's International Committee as we struggle to defend countries and peoples whose rights to self-determination are being undermined by these policies of the US Government:

Our support of Cuba continues through the defense of the Cuba 5, our continued opposition to the US

embargo/blockade of Cuba, and our defense of those traveling to Cuba.

We continue to support the Palestinians in their struggle to create their own homeland and free themselves from the Israeli occupation, supported almost in its entirety by US military and economic aid. We sent delegations showing our support for those struggling against the occupation; we support Palestinian and Israeli attorneys by providing legal research support and filing amicus briefs in the Israeli courts in cases challenging the occupation and its effects; we are devising legal and legislative strategies to end US support for the construction of the Separation Wall.

We work in conjunction with international legal organizations such as the International Association of Democratic Lawyers and the Association of American Jurists through such projects as the International Commission for Labor Rights, focusing on economic and political repression in countries such as Colombia.

We attempt to educate ourselves and show support by sending delegations to countries such as the Basque territory in Spain subject to increasing political repression justified by the alleged threat of terrorism.

We recognize, however, that we must do more, particularly on issues relating to the US military invasion of Afghanistan, and the invasion and occupation of Iraq, which expose the vulnerability and weaknesses of our government's imperialist policies. In doing this work, we must not only react but must also offer a proactive vision of how international disputes should be resolved. Therefore, in addition to the work we are already committed to, the International Committee will focus on the following projects during the coming year:

- * There is a growing movement of American military personnel and their families resisting continued participation in the occupation of Iraq. Working with the Guild's Military Task Force and cooperating attorneys in other countries, we will expand the network of Guild attorneys doing this critical legal support work, continuing to expose the lies and illegalities underlying the military invasion and occupation, and

the economic costs to Iraq and to our own country.

- * The existence of what is essentially a concentration camp at Guantanamo must end. The recent grant of certiorari by the US Supreme Court in the lawsuit challenging the Guantanamo detentions being brought by the Center for Constitutional Rights now provides a focal point for this work. We will support that suit through the filing of amicus briefs. However, we must also devise strategies to further educate the public regarding the conditions at Guantanamo.
- * We must continue to create strategies which support those groups in the US which oppose the government's imperialist expansion, and which hold that government accountable for its violations of US and international law. How can the UN be further strengthened and democratized? How do we better educate the legal community as well as the general public about the importance of international law and treaties and institutions such as the International Criminal Court? How can we better enforce those laws and treaties through US Courts as well as international tribunals? How can we oppose the WTO and other international financial institutions which condition loans and trade on measures which create crippling foreign debt and hardships?
- * The report of the Guild delegation which recently returned from North Korea exposes the lies of the US Government regarding the conditions in that country, and the supposed "threat" which North Korea poses to peace. We must continue to educate ourselves and others we work with regarding the situation in North Korea. We have formed a North Korea sub-committee, and in the next year will send additional delegations to learn more about the political and economic realities of North Korea. To learn more about how to support the work of the Guild's International Committee, please contact the Committee's co-chair, Steven Goldberg, at stevengoldberg@comcast.net.

Fabio Marcelli who was an honored guest and speaker at the National Lawyer's Guild Convention held in Minneapolis, October 2003 reports on his experiences.

The NLG Convention, held in Minneapolis, was a very powerful experience. For me, as a European lawyer invited to this event to represent IADL, it was very impressive to learn how extensive and well organized the progressive forces within the community of lawyers and jurists are in the United States.

The main focus of the Convention was on the issue of the Iraqi war. The three priorities identified by the NLG International Committee follow:

- a) Support of conscientious objections and refusals by soldiers to continue participating in the war and the unlawful occupation of Iraq;
- b) Support for all the initiatives aimed at obtaining the restoration of international legality, punishment for the crimes against peace and humanity and the war crimes committed by the US and its allies;
- c) Support closing the concentration camp in Guantanamo.

Another important subject was of Palestine; in this context a common project is planned, to establish an international presence of lawyers in co-operation with Israeli and Palestinian lawyers in the name of peace and human rights. Other important items discussed was the struggle against the violation of civil US rights by the so-called antiterrorist legislation, migrants' rights and workers' rights.

On all these issues it was determined that the establishment of a common international platform of lawyers was essential since the problems and challenges of all progressive lawyers throughout the world are very similar.

Publications

Beth Lyons has contributed a chapter entitled, “Getting Untrapped, Struggling for Truths: The Commission for Reception, Truth and Reconciliation (CAVR) IN East Timor” to a book on International Courts and Tribunals, to be published by Oxford University Press in early 2004.

IADL U.N. Representative — VIENNA

Evelyn Duermayer reports on her activities:

The Vienna Alliance of NGOs held their 100th meeting on Crime Prevention and Criminal Justice on October 13th; the association focused their attention on trafficking of men women and children.

The Vienna Committee on the Status of Women has added two new items on their agenda namely the role of men and boys in achieving gender equality and women’s equal participation in conflict prevention, management and conflict resolution and in post-conflict peace building.

HALDANE SOCIETY (UK) ACTIVITIES

Rebekah Wilson reports:

The Haldane Society organized a public meeting to coincide with President George W. Bush’s visit on November 19, 2003. The title of the meeting was “*RULE OF LAW OR RULE BY POWER THE ROLE OF CIVIC SOCIETY IN MAKING LEGALITY RELEVANT TO THE WAR IN IRAQ*” The main speaker Rabinder Singh QC acted on behalf of the CND to try and prevent the United Kingdom from entering what is described as an illegal war.

Louise Christian, Vice President of the Haldane Society continues to act on behalf of the families of the British detainees currently held in Guantanamo Bay.

UNITED NATIONS CALENDAR OF EVENTS

2003/2004

Date(s)	Event	Location
10 - 13 November	Voluntary Fund for Technical Cooperation in the Field of Human Rights, Board of Trustees	Geneva
10 - 14 November	Annual meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction	Geneva
10 - 14 November	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, twenty-first session	Vienna
10 - 21 November	Committee against Torture, thirty-first session	Geneva
11 - 18 November	Panel of External Auditors of the United Nations, the Specialized Agencies and the International Atomic Energy Agency	Vienna
17 - 19 November	IAEA, Board of Governors, Technical Assistance and Cooperation Committee	Vienna
17 - 21 November	Group of government experts on the relationship between disarmament and development, first session	Geneva
17 - 21 November	UNCITRAL, Working Group on Electronic Commerce, forty-second session	Vienna
17 - 24 November	Group of governmental experts of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, sixth session	Geneva
19 November	United Nations Board of Auditors, special session	Vienna
19 - 28 November	Commission on Human Rights, Working Group on Arbitrary Detention, thirty-eighth session	Geneva
21 November	IMO, Council, extraordinary session	London
26 November	Fifth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects	Geneva
26 - 28 November	Commission on Narcotic Drugs, resumed forty-sixth session	Vienna

UNITED NATIONS CALENDAR OF EVENTS

2003/2004

Date(s)	Event	Location
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November	Ninth Meeting of States Parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1 day)	Geneva
28 November	Committee on the Exercise of the Inalienable Rights of the Palestinian People, Special Meeting in Observance of the International Day of Solidarity with the Palestinian People [General Assembly resolutions 32/40 B and 33/28]	New York
1 December	Committee on the Exercise of the Inalienable Rights of the Palestinian People, Special Meeting in Observance of the International Day of Solidarity with the Palestinian People	New York
1 - 2 December	UNICEF, Executive Board, extraordinary budgetary session	New York
1 - 5 December	Annual Meeting of States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects	Geneva
1 - 5 December	Committee on Economic, Social and Cultural Rights, pre-sessional working group	Geneva
1 - 5 December	UNU, Council, fiftieth session	Tokyo
1 - 10 December	Subcommittee of Experts on the Transport of Dangerous Goods	Geneva
2 - 5 December	Organization for the Prohibition of Chemical Weapons, Executive Council	The Hague
3 December	Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East	New York
3 December	UNEP, Committee of Permanent Representatives, eighty-fifth meeting	Nairobi
5 December	IMO, Council	London
8 - 12 December	Commission on Narcotic Drugs, meeting of heads of national drug law enforcement agencies, Asia and the Pacific region	Singapore
9 - 11 December	High-level political conference for the purpose of signing the United Nations convention against corruption	Merida, Mexico
11 December	Committee of Permanent Representatives to UN-Habitat	Nairobi
11 December	FAO, Council	Rome
11 December	First meeting of the States Parties to the International Convention on the Right of All Migrant Workers and Members of Their Families	New York

UNITED NATIONS CALENDAR OF EVENTS

2003/2004

Date(s)

Event

Location

15-19 December	Committee on Non-Governmental Organizations, resumed session	New York
December	Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to the Programme of the United Nations High Commissioner for Refugees (1 meeting)	Geneva
To be determined (1 week)	Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (on Rules of Procedure for the Conference of States Parties)	Vienna
To be determined (1 week)	Commission on Narcotic Drugs, meeting of heads of national drug law enforcement agencies, Asia and the Pacific region	Bangkok
To be determined (1 week)	Commission on Narcotic Drugs, meeting of heads of national drug law enforcement agencies, Latin America and the Caribbean region	Santiago
To be determined (1 week)	Commission on Narcotic Drugs, meeting of heads of national drug law enforcement agencies, African region	Addis Ababa
To be determined (3 days)	General meeting on cooperation between the representatives of the secretariats of the United Nations system and the General Secretariat of the League of Arab States and its specialized organizations	To be determined
To be determined (1 day)	First meeting of the States parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	New York
To be determined	Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	New York
To be determined	Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories	Geneva

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(Elected at the XVth Congress, October 2000)

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