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INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

In Consultative Status With ECOSOC, UNESCO and UNICEF

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IADL CONDEMNS ISRAEL'S RECENT ASSASSINATIONS OF HAMAS LEADERS AS ACT OF STATE TERRORISM

The International Association of Democratic Lawyers (IADL), an organization in consultative status with ECOSOC and represented at UNICEF and UNICEF, and with affiliates in over ninety-six countries, **CONDEMNS** in the strongest terms, the recent killings in the last month of Sheikh Ahmed Yassin, the founder of Islamic Resistance Movement (Hamas), and Dr. Abdel Aziz Rantisi, leader of Hamas in the Gaza Strip, by the Israeli Government, and **NOTING** that these extra-judicial executions are prohibited by the "Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions" adopted by ECOSOC in its Resolution 1989/65, of 24 May 1989, and **RECALLING** Israel's threats to remove and to kill President Yassir Arafat in September 2003 which has once again been revived, and

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RECOGNIZING that assassinations of Palestinian leaders are only the most recent acts of Israel's state terrorism, in violation of international law and norms, and

REJECTING Israel's justification that assassination is a form of self-defense and anti-terrorism as wholly untenable in law, and

RECOUNTING that Israel has violated at least sixty-five UN resolutions spanning five decades, including Resolution 242 (1967) which call for the withdrawal of Israel's armed forces from the occupied territories, and

REITERATING that such target-killings of Palestinian political and religious leaders are extra-judicial assassination of "protected persons" under the Fourth Geneva Convention by Israel in clear breach of international law and of the principles of international humanitarian law, and

FURTHER REITERATING its strong condemnation of every form of terrorism and the necessity to distinguish between terrorism, aimed at indiscriminately targeting the civilian population and the legitimate armed struggle, and

NOTING that Israel, as an Occupying Power, has violated its obligations and responsibilities under the Hague Convention of 1907 and the Fourth Geneva Convention, and has collectively punished the Palestinian people, and

CONDEMNING the Israel's construction of the Wall as annexation or conquest of Palestinian territory, in violation of the U.N. Charter, Article 2(4) and the Fourth Geneva Convention (Article 47)

IADL REAFFIRMS:

1. **The Right of the Palestinian people** to self-determination under international law and instruments, including the U.N. Charter, Art. 1(1)(1946), the Declaration on the Granting of

Independence to Colonial Countries and Peoples (1960), the International Covenant on Economic, Social and Cultural Rights, Art. 1(1) (1966).

2. **The Right of the Palestinian** to resist the illegal Israeli occupation, for example, under the Declaration on Principles of International Law, Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations (1970), and the Resolution on the Definition of Aggression (Art. 7) (1974).
3. **The right of return of Palestinian refugees**, and compensation as stated in U.N. Resolution 194 (1948), paragraph 11, and IADL's opposition to President Bush's and the Israeli government's plans to extinguish that right.

IADL joins the international community to demand that Israel

1. **End its illegal policies of assassinations**, and threats of assassinations and illegal use of force against the Palestinian leadership and people.
2. **End its illegal policies** of collective punishment of the Palestinian people, and immediately stop construction of the Wall.
3. **Cease its illegal occupation of Palestine**, and comply with the international law and UN resolutions especially Resolutions 242 and 338,
4. **Apply the Geneva Conventions** to protect Palestinians under the occupation until it is completely ended.
5. **Cease all threats to the safety and security** of President Yassir Arafat and guarantee full protection to his life and liberty as the Head of the Palestine Authority.

IADL EXPRESSES ITS SOLIDARITY with the strike by Arab lawyers on the call of the Arab Lawyers Union denouncing the state terrorist policies of Israel.

Jitendra Sharma
President,
International Association of Democratic Lawyers
Issued at New Delhi on April 27, 2004.

In support of the Japanese People IADL President Jitendra Sharma sent correspondence to officials of the Japanese Government, Mr. Junichiro Koizumi, Prime Minister of Japan, Ms. Yoniko Kawaguchi, Minister of Foreign Affairs, and Mr. Shigeru Isiha, Defense Secretary, expressing concern for the release of Japanese hostages in Iraq.

The text of the correspondence follows:

Your Excellency, Mr. Prime Minister,

The International Association of Democratic Lawyers, with members in over 90 countries and having consultative status and in relationship with, ECOSOC, UNESCO, UNICEF and other international agencies expresses its deep concern and shock over the fact that the Japanese civilians, Mr. Noriaki Imai, aged 18, and two others have been taken hostage by an armed group in Iraq demanding withdrawal of Self-Defense Forces of Japan from Iraq and threatening to kill them unless it is done within three days. In principle we do not support taking innocent civilians as hostages to achieve political objectives. However the Iraq situation has a different context.

It was wholly wrong and unjustified for your Government to dispatch a unit of its Army to Iraq when the people of Iraq are totally opposed to any foreign forces on their land. Iraq is under occupation and presence of any foreign army unit there is rightly considered as a part of the occupation forces. It is essential that foreign occupying forces should withdraw from Iraq forthwith. The growing resistance of the Iraqi people to occupation and escalating violence against the civilian population is a clear indication that the Iraqi people want to be the masters of their own destiny and desire that all foreign occupation forces should withdraw from Iraq at the earliest.

Mr. Imai is actively engaged in the activity for abolition of depleted uranium so that DU weapons are not used again. He has been deeply affected by the fact that a large number of the Iraqi children have been suffering from cancer and leukemia. He went to Iraq in order to see the reality of the DU damage by his own eyes and convey his impressions to as many people as possible. In fact he has been planning to produce a picture booklet about Iraqi children as part of his campaign. He has been a strong opponent of invasion of Iraq and the

dispatch of the Japanese Self-Defense forces to Iraq. It is essential that valuable lives are saved and the Government of Japan must act immediately.

IADL strongly demands that the Japanese Self-Defense Forces must be withdrawn from Iraq and all efforts must be taken as soon as possible to save the lives of the innocent people. In fact Japanese Government must send medical and other items of relief to the ever-increasing victims of the war and of the DU weapons. Today the whole of Iraq has become a fighting zone as resistance against foreign occupation has intensified. Even the stated stipulation of not sending the Japanese Self-Defense Forces to a fighting field has ceased to have any meaning, as the whole of Iraq has become a fighting field.

IADL strongly demands swift action on the part of the Japanese Government. There is no time to waste. Your Government must withdraw Japanese Self-Defense Forces from Iraq immediately. Act now and act swiftly to save the innocent hostages.

Jitendra Sharma
President

Issued on 9th April, 2004 at New Delhi.

**ABU GHRAIB PRISON, BUSINESS AS USUAL, TORTURE AS USUAL;
"BUSH THE WOULD BE TORTURER"**
By Marjorie Cohn

The Wall Street Journal has revealed that Bush's lawyers told him he can order that torture be committed with impunity. It is now official that George W. Bush is above the law.

As horror after horror emerged from Abu Ghraib prison, Americans exclaimed that this is not behavior befitting our great country. Many wondered how such atrocities could be perpetrated by United States citizens. We hoped that this was simply the behavior of a few bad apples run amok. But the dots have now been connected for us. Torture is sanctioned policy that comes from the top.

In a classified report prepared for Donald Rumsfeld in early 2003, a working group of lawyers appointed by the Defense Department's general counsel, William J. Haynes II, advised that Bush is not bound to follow United States laws that prohibit

torture. Government agents who torture under orders from Bush won't be successfully prosecuted, according to the report, which is scheduled to be declassified in 2013.

Never mind that the United States ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which makes it part of the supreme law of the land under our Constitution. Never mind that this treaty specifies that torture is never permitted, even in times of war. Never mind that Congress implemented this treaty by enacting a Torture Statute providing for 20 years, life in prison or, even the death penalty when the victim dies, for U.S. soldiers or civilians who engage in torture. And never mind that torture constitutes a war crime, for which our officials can be punished. The Bush administration lawyers have created their own jurisprudence, which effectively holds the president is not bound to follow the law.

Extrapolating from the "necessity" defense in criminal law, Bush's lawyers counsel, in effect, that the end justifies the means. It's the proverbial ticking time bomb scenario. Torture the bastard to avert a terrorist attack. But not only is this illegal; it doesn't work. Senator John McCain says the tortured will rarely provide reliable information. This position has been affirmed by many of the prisoners released from Abu Ghraib who said they made up information to get the torture to stop.

Bush's legal experts also rehabilitated the "superior orders" defense. It didn't work for the Nazis at Nuremberg or Lt. William Calley who was prosecuted for the My Lai Massacre in Vietnam. That defense can only be asserted when the defendant was following a lawful order. An order to commit torture would be unlawful, as it would violate the Convention Against Torture and the Torture Statute.

But Haynes' team assures Bush his orders would be legal because he's the president and he's the highest law in the land (notwithstanding the Constitution, Congress and the Supreme Court). Indeed, one of the lawyers who prepared the report said the intention of the political appointees heading the working group was to realize "presidential power at its absolute apex."

The report was written in response to concerns by senior officers at the U.S. prison at Guantanamo

Bay, Cuba. They advocated "a rethinking of the whole approach to defending your country when you have an enemy that does not follow the rules." Of course, we needn't follow the rules because we're the good guys.

Remember that in the course of trying to convince the American people that war with Iraq was necessary, Bush marshaled accusations that Saddam Hussein had tortured his people. But we have God - and Bush - on our side, so we're allowed to torture.

In late 2002, after the Washington Post revealed allegations of behavior of U.S. commanders that might amount to torture in Afghanistan, Human Rights Watch Executive Director Kenneth Roth wrote to Bush, saying that immediate steps must be taken "to clarify that the use of torture is not U.S. policy." Roth reminded Bush that, "U.S. officials who take part in torture, authorize it, or even close their eyes to it, can be prosecuted by courts anywhere in the world." The prohibition against torture is so basic, it is considered *jus cogens*, and is thus binding on all countries, even if they haven't ratified the Torture Convention.

The Bush administration has been emboldened to itself engage in serious human rights violations since the horrific attacks of September 11. Cofer Black, head of the CIA Counter-terrorist Center in September 2002, testified at a joint hearing of the House and Senate intelligence committee: "This is a very highly classified area, but I have to say that all you need to know: There was a before 9/11, and there was an after 9/11. After 9/11 the gloves came off." If Bush has his way - and the most electoral votes in November - those gloves will stay off.

There are some striking contradictions between Bush administration policy in the "war on terror" and the working group's rationalizations for Bush to authorize torture. The lawyers who prepared the report admitted that the Torture Statute applies to Afghanistan.

But they declared it does not cover our actions in Guantanamo because it is within the "territorial jurisdiction of the United States, and accordingly is within the United States." Yet, the Bush administration has denied these prisoners access to U.S. courts to challenge their detention precisely by claiming that the U.S. is not sovereign over Guantanamo Bay. Either the United States has

jurisdiction over Guantanamo or it doesn't. You can't have it both ways.

The Ninth Circuit Court of Appeals decided that U.S. courts do have jurisdiction to hear the Guantanamo prisoners' complaints. That court was extremely alarmed at the government's assertion during oral argument that these prisoners would have no judicial recourse even if they were claiming the government subjected them to acts of torture. The Ninth Circuit said: "To our knowledge, prior to the current detention of prisoners at Guantanamo, the U.S. government has never before asserted such a grave and startling proposition." The court said this was "a position so extreme that it raises the gravest concerns under both American and international law."

By the end of June, the Supreme Court will decide whether U.S. courts have jurisdiction over the Guantanamo prisoners.

In December 2002, the United Nations General Assembly adopted a new anti-torture treaty after 10 years of negotiation. The Optional Protocol to the U.N. Convention against Torture will allow independent international and national experts to conduct regular visits to places of detentions within the States Parties, to assess the treatment of detainees and make recommendations for improvement. The treaty was adopted by a vote of 127 in favor, 4 against and 42 abstentions. The United States was joined by Nigeria, the Marshall Islands and Palau in opposing this treaty.

The legal advice which would permit Bush to order torture without sanction is consistent with his policy to ignore or denounce treaties and federal laws that don't comport with his program. Bush's unprecedented act of "unsigning" the International Criminal Court statute, and coercing Security Council resolutions and bilateral immunity agreements, are meant to ensure that neither he nor his top advisors ever become defendants in war crimes prosecutions. But under the well-established laws of the United States, Bush would be a war criminal if he authorizes torture as recommended in the classified report.

Marjorie Cohn is a contributing editor to *truthout*, a professor at Thomas Jefferson School of Law, Executive Vice President of the National Lawyers Guild, and the U.S. representative to the executive committee of the American Association of Jurists.

**THE NATIONAL LAWYERS GUILD (NLG)
ISSUES PRESS RELEASE AND NOTICE OF
PRESS CONFERENCE ON HAITI, APRIL 16,
2004**

**Lawyers Investigate Violations of International
Law Surrounding de facto Haitian Government
Following February 2004 Coup**

On Tuesday, April 13, 2004, a delegation of lawyers representing the National Lawyers Guild, American Association of Jurists, International Association of Democratic Lawyers, National Conference of Black Lawyers, and Bureau des Avocats Internationaux met with President Jean-Bertrand Aristide of Haiti and his wife, Mme. Mildred Aristide in Jamaica, where they were granted temporary asylum. Jamaica and the Caribbean Community (CARICOM) member countries have resisted intense U.S. pressure by calling for an investigation by the United Nations into the circumstances that led to President Aristide's departure from Haiti. The delegation is also investigating apparent violations of international law and the Haitian constitution surrounding the installation of the de facto Haitian government following the coup of 28-29 February.

There are facts that are not in dispute. President Aristide was popularly elected and obtained an overwhelming majority of the votes in 2000. He was forced out of office as a result of an illegally staged insurgency; the United States refused to defend the legitimate government despite the provisions of the Inter-American Democratic Charter requiring that legitimately elected governments be protected. Aristide and his wife were then flown, under duress, to the Central African Republic by the U.S. military and were held incommunicado for 20 hours. A so-called "resignation letter," claimed to have been signed by Aristide, was later determined by the U.S. State Department's own Creole interpreter to have contained nothing about resignation.

The long history of U.S. intervention in the Americas and the disinformation campaign that has emanated from the Bush Administration calls for a close scrutiny of the claims made by the Administration regarding President Aristide's departure. The circumstances surrounding his departure raise many questions that have not been adequately answered.

The only defense force available to the Haitian government, which had no military, was its police. A shipment of equipment for the police was sent from South Africa and the transport stopped in Jamaica to refuel on February 28. Before it could arrive in Haiti, the coup had already been executed, as the U.S. refused to assist the legitimate government, except to set into motion the President's departure. Nevertheless, immediately following the coup, U.S. forces were deployed to Haiti, allegedly to restore stability and order.

The coup in Haiti occurred in the context of the growing movement among African descendants for reparations for centuries of slavery and colonialism. Before the coup, Haiti was asserting its own claim for reparations from France and Citibank. Since France and the U.S. were the principal forces supporting the coup, their motivations are highly suspect.

The National Lawyers Guild's delegation to Haiti verified the brutal and indiscriminate repression against the civilian population since the coup. However, the U.S. has closed its borders to Haitian political refugees and the Coast Guard has forced them back, disregarding the imminent danger they face upon forced return to Haiti.

**THE KIDNAPPING OF PRESIDENT
ARISTIDE FROM HAITI VIOLATES
INTERNATIONAL AND U. S. LAW
By Marjorie Cohn**

Beginning in early February 2004, the democratically elected President of Haiti, Jean-Bertrand Aristide, faced an armed rebellion starting from the North of his country and moving South. The rebel leaders, whom U.S. Secretary of State Colin Powell characterized as "thugs and criminals," include former members of the dissolved Haitian army, drug dealers, and members of the former paramilitary organization universally recognized as having operated terrorist/execution squads during the 1991-1994 military coup.

The driving force behind these rebels was Jean Tatoune, formerly a member of the Front Revolutionnaire pour l'Avancement el le Progres d'Haiti (FRAPH), and Jodel Chamblain, the co-founder of FRAPH. Both are convicted human

rights violators. The nominal rebel leader was Guy Phillipe, a well-known drug dealer, who had been implicated in masterminding another coup attempt against the democratically elected government of Haiti under President Preval.

The movement of the rebel army towards the South was rapid, as it was armed with M-16s and M-60s of American manufacture, while the national police had been eviscerated by the financial and arms embargo imposed on Haiti. On February 26, 2004, the rebel army threatened to enter Port-au-Prince, and threatened President Aristide's government and his life. The civil opposition that had been calling for President Aristide's resignation rejected international proposals seeking a political solution. At this point, Secretary of State Colin Powell refused to send U.S. troops to protect the democratically elected government.

In the early morning hours of February 29th, under extreme duress by Luis Moreno, the US Depute Charge de Mission, and in the presence of US Marines, President Aristide signed a letter of resignation and boarded an airplane rented by the U.S. State Department. During the flight, despite their repeated requests, the President and his wife were forbidden from communicating with anyone in the outside world. They were never asked whether their destination, the Central African Republic, was acceptable to them.

Although both George W. Bush and Colin Powell had said they would not send U.S. troops to Haiti until there was a political solution, U.S. troops were ordered to Haiti within one hour of President Aristide's departure.

The UN news wire reported on March 5, that in Fort Liberte, recently released prisoners, some convicted or awaiting trial for massive human rights violations, were in charge of security, and the Observer reported a security vacuum throughout the country. Reprisal attacks on political opponents, extra-judicial arrests and killings, lack of effective civil authority, and disruption of humanitarian aid efforts escalated to the level of a humanitarian crisis. Also since February 29th, freedom of the press is threatened. Staff from the Aristide government media continue to be attacked and beaten, some journalists have been forced into exile, and the U.S.-supported opposition now controls most of the airwaves.

Human Rights Watch reported on March 2 that the U.S. Coast Guard had already repatriated at least 867 Haitians. HRW stated that "it was unconscionable for the United States to dump entire families into [this] danger zone," where people were being killed in the streets by armed criminals and thugs.

Forcible regime change violates international law

Haiti's democratically elected President Aristide was removed from Haiti by the United States, by threat of force. Forcible regime change violates the well-established principle that people should be able to choose their own government. The International Covenant on Civil and Political Rights recognizes self-determination as a human right, and specifies that all peoples have the right to "freely determine their political status and freely pursue their economic, social and cultural development."

Both the United Nations Charter and the Charter of the Organization of American States (OAS) prohibit intervening by force "against ... [t]he political independence" of another state, as does the Inter-American Democratic Charter, signed on September 11, 2001. The latter document provides that when a government of a member state considers its legitimate exercise of power at risk, it may request assistance from the Secretary General or the Permanent Council to strengthen and preserve its democratic system. Jean-Bertrand Aristide, as duly elected President of Haiti, is entitled to request such assistance.

The Security Council recognized President Aristide's resignation

On February 29, the Security Council adopted Resolution 1529, which took note of the resignation of President Aristide and the swearing in of Boniface Alexandre as acting president "in accordance with the Constitution of Haiti." The Council stated in Resolution 1529 that it was acting under Chapter VII of the UN Charter, which gives Council decisions binding effect. In the Libya case, the ICJ deferred to the Security Council, saying that the Council's imposition of sanctions on Libya preempted the Court's jurisdiction.

However, the Council has not imposed sanctions in Haiti, but merely taken note of President

Aristide's resignation and the swearing-in of Boniface Alexandre as acting president. Additionally, when Resolution 1529 was adopted, President Aristide had not had a full opportunity to present his allegations that he had been kidnapped and forced to sign a letter of resignation. Since President Aristide did not truly resign, as head of state of Haiti he still has a seat at the UN General Assembly, and can request a resolution condemning the coup.

Resolution 1529 also authorized the immediate deployment of a Multinational Interim Force to Haiti. If President Aristide returns to Haiti, UN troops would be compelled to protect him.

The U.S. violated a treaty it ratified by kidnapping President Aristide

In 1976, the United States ratified the multilateral treaty, Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents. The Republic of Haiti is also a party to this treaty. It prohibits the intentional kidnapping or other attack upon the person or liberty of an internationally protected person. A Head of State and his wife - President Aristide and Mildred Trouillot Aristide - are considered to be internationally protected persons under this treaty.

The terms of the treaty require the U.S. to punish those responsible for an intentional kidnapping. President Aristide could sue the United States in the name of Haiti, on the basis of a "dispute" arising from the failure of the U.S. to punish the perpetrators. The International Court of Justice (ICJ) could assume jurisdiction based on the dispute between Haiti and the U.S. over whether the U.S. had kidnapped an internationally protected person.

The U.S. kidnapping of President Aristide violates U.S. law

United States law makes it a criminal offense for United States persons to kidnap an internationally protected person. See 18 U.S.C. Sections 112, 878 and 1201. A prima facie case of violation of this statute has been made since President Aristide and his wife were taken against their will on an aircraft registered in the United States and owned, leased or controlled by U.S. persons.

The U.S. repatriation of Haitians violates international law

International law prohibits rendition, or sending people back to places where they risk being persecuted, tortured or killed. On February 25th, the United Nations High Commissioner for Refugees recommended that neighboring countries suspend forced returns to Haiti. Nevertheless, the U.S. Coast Guard repatriated at least 867 Haitians, putting them in grave danger due to the current conditions of violence and instability.

The Inter-American Commission on Human Rights should conduct an investigation

On February 26th, the Inter-American Commission on Human Rights issued a statement deploring the violence occurring in Haiti and calling attention to the urgent need for a response from the international community.

On March 8th, President Aristide's attorney Ira Kurzban, on behalf of the Government of the Republic of Haiti, extended a standing invitation to the Commission to make on-site human rights visits, and to make such recommendations as it deems necessary to reestablish the rule of law. The same day, more than 100 law professors and human rights organizations wrote to the Commission urging that it conduct an on-site visit to Haiti to investigate the critical human rights situation there.

CARICOM, U.S. representatives, and human rights organizations call for probe

Fourteen Caribbean nations comprising the Caribbean Community (CARICOM) were reportedly "extremely disappointed" at the involvement of "Western partners" in the departure of President Aristide from Haiti, and called for a probe into President Aristide's charge that the United States forced him out of office.

Several members of Congress, including Maxine Waters, called for an investigation into the United States' role in the ouster of President Aristide.

An international team of lawyers filed a petition in a Paris court alleging that officials from the French and United States governments kidnapped President Aristide and led a coup in Haiti.

The American Association of Jurists (AAJ), while recognizing that during the government of President Aristide, violations of the political and human rights of the Haitian people were committed, declared that jurists have a duty to condemn the

U.S. participation in the planning and execution of a coup d'état which is part of the U.S. policy of imperial conquest of the American continent. The AAJ calls for the formation of an independent commission of Latin American and Caribbean parliaments to investigate the conditions under which Aristide left Haiti, including the possible role played by the government of the Dominican Republic.

The National Conference of Black Lawyers (NCBL) NCBL filed a complaint on March 27th, with the International Criminal Court's (ICC) prosecutor, requesting investigation of whether charges may be brought against the Bush administration for war crimes in the kidnapping of President Aristide from Haiti. Even though neither the U.S. nor Haiti is a party to the ICC's statute, the Central African Republic, to which President Aristide was forcibly removed and detained, is a party to the ICC, and thus jurisdiction would lie.

The National Lawyers Guild and several organizations and institutions demanded a Congressional investigation into the role of the U.S. government in the deliberate destabilization of the Haitian government and the implementation of the coup.

In response, the United States government has rejected these calls for an independent inquiry into the circumstances of President Aristide's removal from Haiti.

IADL LAWYERS FILE LANDMARK CASE ON BEHALF OF VIETNAMESE VICTIMS OF AGENT ORANGE, JANUARY 30, 2004.

On January 30, 2004, IADL lawyers Dean Kokkoris, William Goodman and Jonathan Moore filed a case in the Eastern District of New York, on behalf of the Vietnamese victims of Agent Orange, (dioxin). This case had its genesis in October 2001 when the IADL held its third Conference of Lawyers of Asia Pacific (COLAP-3) in Hanoi, Vietnam with the Themes of Peace, Development and Human Rights. Vietnamese presenters at the conference requested the IADL to a plan to compensate the Vietnamese victims of Agent Orange and other poisonous defoliants used during the Vietnam War for their injuries. The IADL Bureau formally decided to pursue this plan, and

Jeanne Mirer was requested to take steps to recruit a working group in the United States to investigate this issue. A working group of lawyers was put together through the International Committee of the National Lawyers Guild. Through the research of the working group and with coordination of members of Vietnamese Lawyers Association, it was determined that a lawsuit had a basis in law.

The case called Vietnam Association for the Victims of Agent Orange/Dioxin et. al. v Dow Chemical Company et. al. is now pending in front of Judge Jack Weinstein who handled the cases for the US veterans regarding Agent Orange. The case is not against the United States Government, rather it is against the Chemical Companies, which produced Agent Orange for the US government for use in Vietnam. The complaint has 12 claims for relief and is brought under the Alien Tort Claims Act, as well as other tort theories.

Discovery is in process and the court will hear motions on the legal sufficiency of the complaint in the fall.

IADL CONTINUES TO ESPOUSE SUPPORT FOR THE "CUBAN 5"

Jeanne Mirer reports:

On March 10, 2004 Jeanne Mirer and Fabio Marcelli represented the IADL at the Court of Appeals hearing on the Appeal of the Cuban 5. These individuals who were convicted in 2001 of various charges, including murder conspiracy and espionage arising out of their work to monitor the activities of the ultra right groups in Miami who had been carrying out attacks on Cuba. The five are Gerardo Hernandez, Antonio Guerrero, Ramon Labanino, Fernando Gonzales, and Rene Gonzalez.

Gerardo Hernandez is serving 2 life sentences. Antonio Guerrero and Ramon Labanino are serving life sentences, and Fernando Gonzalez and Rene Gonzalez are serving 19 and 15 years, respectively. Leonard Weinglass argued for the Antonio Guerrero but concentrated on the fact that it was error not to have changed the venue of the case out of Miami.

IADL's presence was noted at a press conference held after the court session.

The three judges who heard the appeal listened carefully to the arguments. It is hoped that they will see that there is no substance to the charges and

reverse all or most of the convictions. See www.freethefive.org for more information.

A DELEGATION OF THE INTERNATIONAL COMMISSION FOR LABOR RIGHTS (ICLR) STUDY IMPUNITY IN COLOMBIA

In March a delegation of three Commissioners with the International Commission for Labor Rights went to Colombia to study and report on the issue of impunity with respect to the murders of thousands of trade union leaders and members over the last decade.

The members of the delegation were: Teodoro Sanchez de Bustamante, President of the Labor Lawyers of Argentina, Efrén Sandoval, Legal counsel to UNSITRAGUA, Guatemala, and Sarah Lucy Cooper, Bar Human Rights Committee of the UK.

ICLR is a joint project of the IADL and the International Center for Trade Union Rights (ICTUR). The report will be soon posted on the ICLR website, at www.laborcommission.org and we encourage IADL members to publicize this issue.

ECOSOC—A NEW DYNAMISM?

Gloria Bletter reports:

Although ECOSOC was created to be equally significant to the Security Council, much less attention has been paid to it by the media, and its functions have been overshadowed by many better-known agencies and programs working on the same issues assigned to ECOSOC, namely, development, health, and human rights. ["Putting ECOSOC Back in the Loop," Barbara Crossette, UN Wire, March 8, 2004]

State members number 54 since 1973; when ECOSOC began in 1945, there were only 18. Some argue that it is too big to engage in serious discussions and negotiations, but others view all member states of the UN, as represented in the General Assembly, as having the right to participate in its deliberations. The current President of ECOSOC, Ambassador Marjatta Rasi of Finland, the first woman chosen in the annual elections for this post, has been spiritedly attempting to bring more coherence and interaction within the Council and between it and the other UN organs.

She has been working on getting more cooperation with the presidents of the General Assembly and the Security Council, and has established regular consultations with the World Bank and the IMF on how to reduce poverty through the Millennium Development Goals [MDG's]. The MDG's, set by the UN Development Summit in 2000, comprise an ambitious agenda. They consist of eight targets to be met by 2015, and cover most of the functions within the scope of ECOSOC: eradicating poverty; achieving universal primary education; women's rights; improving health and mortality; ensuring environmental sustainability; and economic development along with good governance and addressing least developed countries' special needs.

Also to her credit, Ambassador Rasi has instituted regular meetings between her office and relevant commissions in order to figure out how to deal with the root social and economic causes of civil conflict and terrorism.

On May 7, 2004, ECOSOC organized an informal panel discussion on reforms needed. Gert Rosenthal, Pres. of ECOSOC in 2003, and Prof. Ivan Simonovic, Univ of Zagreb Law School, and 2002 President of ECOSOC and former Permanent Representative of Croatia to the UN (see also Croatian Mission's report, ECOSOC 2002), among others, made major presentations.

Mr. Rosenthal noted that there exists an inventory of reform proposals made over the last 20 years. He calls for an "Economic Security Council" which would complement ECOSOC, not replace it, and would include the WTO and the Bretton Woods financial institutions. In order to strengthen the General Assembly [GA], he would have direct voting by organs subsidiary to ECOSOC, such as UNICEF, at the GA.

Prof. Simonovic favors a two-pronged approach to the need for greater coordination globally and within the UN system, both generally and in response to crises: 1) institutional solutions: new or strengthened bodies with response capacity; 2) empirical or practical solutions: reform by acting, without a great deal of debate, beginning from where we are. E.g., convening Meetings can be powerful in coordinating economic and social needs in an area, should include civil society and business organizations, and be held year-round.

ECOSOC and Peace-building activities

Prof. Simonovic notes that ECOSOC has the requisite status and a traditional coordinating role, including the capacity to broaden the cast of actors by serving as the "entry point of NGO's and the private sector into the UN system," to serve as a coordinator of peace-building activities. However, in order to perform this function, ECOSOC "has to substantially improve its operational capabilities." See his "Post-Conflict Peace Building: The New Trends," *International Journal of Legal Information*, Vol. 31:2, 2003.

Among necessary tasks are rebuilding an effective legal system and finding a way of dealing with past war crimes and human rights abuses, and very importantly, re-integrating former combatants into society. Most of these and other rebuilding measures require supporting fragile structures with external resources. Therefore, maintaining good working relationships with the international financial institutions [IFI's] and with donor countries are necessary, and also with the Security Council in order to coordinate when and if peacekeeping operations are still required.

The EU made a statement also calling for an integrated approach to "ensure a smooth transition from conflict management and peacekeeping to long term reconstruction," and from relief to development. It also cited the experience of the 'ad hoc advisory groups on African countries' emerging from conflict.

ECOSOC and funding for development

Nafis Sadik pointed out that development functions arose independently of the rest of the UN system, with ECOSOC's governance never clearly defined. It has also been hampered by the fact that specialized agencies such as the ILO and WHO have their own funding, with none of them having sufficient funding to perform their functions properly. For increased effectiveness, funding and governance must work together in a more rational way. E.g., the IFI's should not be the recipient of funds intended for development, and the eight most powerful economies should not be able to determine funding for development through the IFI's without the participation of other states. However, the wealthy states want to continue their voting edge on the IFI's, and so will resist changes to this structure [James Jonah]. Also, too many reporting

requirements take time away from implementing programs.

ECOSOC and poverty eradication

This coming June 28-30, ECOSOC will hold a High Level Segment meeting focusing on poverty eradication in the Least Developed Countries [LDC's] with an emphasis on identifying and enabling resources; it is recognized that the role of NGO's is crucial to this process; NGO's were asked to contribute to the High Level meeting at a Special Forum on 18 March 2004, as well as a series of prior meetings.

Among the points made at the March 2004 meeting:

- The number of LDC's continues to increase, partly as a result of the Developed Countries' failure to follow through on promises made;
- The LDC's demand increased capacity-building, leading to their own empowerment, and NOT programs being imposed from the outside;
- There should be a Rights-based approach to poverty eradication, with legal authority and transparency of government commitments, making for greater feasibility of implementation and enforcement;
- Land claims and equitable redistribution of assets are key to development strategies.

These and remaining points are in a 5-page Draft Summary of key recommendations document submitted by CONGO (Conference of NGO's in Consultative Relationship with the UN), 18 March 2004.

In a related matter, on April 5, 2004, the Commission on Human Rights invited NGO's to speak on violations of economic, social and cultural rights. Many advocated creating an Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights, under which rights to health, education, food, decent housing, and access to essential services and to land and other natural resources could be enforced through an international mechanism, once state remedies have been exhausted. Violators would not be limited to state parties; industrial projects and armed combatants could be shown to have committed abuses. Cultural rights were also

discussed, such as discrimination against the use of some languages, religions and traditional practices.

THIRD SESSION, PERMANENT FORUM ON INDIGENOUS ISSUES; UN NEW YORK

Held in NY from 10 to 21 May 2004, this third ANNUAL meeting's theme was "Indigenous Women." Although the 'unique' Permanent Forum now seems to have its own bureaucratic identity within the UN system, with its own Secretariat and staff members who work year-round, some of the high hopes and expectations for the work of this Forum have not yet been met. Although the process is new, the International Indigenous Women's Caucus and others call for more integration and acknowledgement of the needs of indigenous peoples within the various UN structures and agencies.

For instance, all UN bodies which deal with the environment should include indigenous-identified representatives; also, the IFI's, as well as other UN agencies, should review their policies re: indigenous peoples, develop goals, regularly report on their progress, and these policies and practices should be considered at the next Permanent Forum. It was also recommended that the scope of the Permanent Forum be expanded to include intergovernmental treaties and their enforcement.

This year I attended two side events: Indigenous Women, Conflict Resolution, and Peace Building; and the Boarding School Healing Project: The Lost Generation of Indigenous Peoples in the US. The latter concern is late arriving in the US as a focus for political organizing; Canada, Australia, and New Zealand have responded to indigenous peoples' demands for redress against those states having forced native children's removal from their families and into distant boarding schools. The US campaign will seek a collective remedy (not necessarily money compensation), with grassroots legal training so that claimants can make informed decisions; it aims to challenge relationships with the colonizing government, and to work in coalition with other abused communities.

OF INTEREST TO IADL MEMBERS: THE REPORT OF THE SPECIAL RAPPORTEUR ON INDIGENOUS ISSUES, RODOLFO STAIVENHAGEN, ISSUED 26

JANUARY 2004 (E/CN.4/2004/80) FOCUSES ON THE ADMINISTRATION OF JUSTICE IN MEMBER STATES WITH RESPECT TO INDIGENOUS PEOPLES, AND ON THE RELEVANCE OF INDIGENOUS CUSTOMARY LAW IN NATIONAL LEGAL SYSTEMS.

IADL U.N. Representative – New York Gloria Beltter reports:

Two interesting panels took place at the UN in NY on December 10, 2003, Human Rights Day. The first, presented by the Office of the High Commissioner for Human Rights, was "Human Rights Ten Years after Vienna: Progress, challenges and the role of key institutions." It was held both to commemorate and to assess the impact of the 1993 World Conference on Human Rights in Vienna. The General Assembly adopted international standards concerning national human rights institutions, known as the Paris Principles, also ten years ago.

One of the panelists, then Acting High Commissioner for Human Rights BERTRAND RAMCHARAN, called for stronger human rights protections, as generally demanded in the 'Vienna consensus,' with the following suggestions:

- look at what can be done by each of the major UN bodies during the time that they are not in session;
- initiate a "Genocide Watch." How can the Security Council contribute to such a measure? Can the Security Council and the General Assembly act now so as to prevent international crimes as, for instance, by establishing a task force with authority over this issue?
- ECOSOC: when not in session, the Social and Human Rights Committee of the Council should examine preventive measures, and the Council itself, instead of merely 'rubber stamping' determinations of the Human Rights Commission, can call for an annual report on situations where there is a consistent pattern of gross violations of economic, social and cultural rights.
- the special procedures, including the Special Rapporteur system now under attack, should be strengthened and supported. Special Rapporteurs now document violations in

about 60 states, and are the sources of information, which should be better, communicated to the world.

- the High Commissioner for Human Rights should make greater use of Emergency Reports, sent to the members of the Commission on Human Rights; this speaker's special report on violations in Liberia marked the first time since the existence of the OHCHR, that this was done.
- leading human rights NGO's could publish a joint quarterly public report about situations in which there are indications of coming massive violations of human rights.
- more must be done by States, including no amnesties for gross violators, as well as implementing economic rights by eliminating extreme poverty. States have been asked to submit succinct presentations of their national protection systems, and the OHCHR has received about 30 such reports.
- regional and sub-regional organizations should maintain formal or informal capacity for early warnings about potential massive violations.
- role of domestic courts: OHCHR sponsored a symposium on this topic to mark the 10th anniversary of the Vienna Conference; it is "particularly important [...] to bring...judges together nationally, regionally, and internationally to exchange information and experience on international human rights norms and the developing human rights case law."

DANILO TURK, Asst. Sec'y-Gen'l, UN Dep't of Political Affairs, also proposes that the Genocide Convention be used more often, by asking each state to call attention to it, as through a Global Report on Human Rights Violations. The relevant agencies and officials must continually articulate the connections between peace and support of human rights, and any UN reform should include a new, very high level agency for Human Rights, e.g., in place of the Trusteeship Council.

IAN MARTIN of the International Center for Transitional Justice wrote a background paper, "Facing Up to the Failures," regarding non-

achievements in human rights within the UN system and why—

- marginalization within system;
- lag in economic, social, cultural, and development rights;
- failure to address many of most urgent needs, e.g., UNCHR did not respond timely to the situation in Iraq in 1988; it did not get involved until Iraq invaded Kuwait. Biggest failure is Rwanda genocide; have we learned from that? The UN is still not paying attention to early warning signs requiring some intervention prior to armed fighting.

CHARLOTTE BUNCH, Executive Director of the Center for Women's Global Leadership, pointed out that while the Vienna Declaration activated women as claimants, there are multiple ways in which women's human rights are violated. Most of the progress made has been in documenting standards, such as the recent Definitions Report on violence against women by the Special Rapporteur; the ICC statute defining rape in war as a crime; Sec Council Res 1325 calling for women's equal participation in peacemaking efforts; and the Optional Protocol to CEDAW aiming to make it more enforceable.

But increased expectations are rarely met due to weak implementing mechanisms, shown clearly by the problem of violence against women and a culture of impunity regarding perpetrators' acts. No funds have been allocated to this issue, and no data collected within states, reflecting little political will to effect major cultural changes.

A journalist, IAN WILLIAMS, discussed how the media gloss over rights abuses by using terms like 'terrorism' without nuance or context. He recommends the Law of the Sea as a model, under which signatory members cannot benefit unless they comply with ALL its provisions, as well as a handbook to assist journalists in recognizing acts, which constitute war crimes, "Crimes of War" by Roy Goodman.

The other two human rights panels on December 10th were: Human Rights and the Rule of Law, and The Globalization of Human Rights. A summary of the salient points follows:

- * Several of the states which stood up against US demands for Bilateral Agreements did not lose any monetary aid for doing so, e.g. Jordan.

The US attempts to create an 'exception' to the Rule of Law when dealing with the "War on Terrorism." But the US' administrative/military detentions of suspected 'terrorists' with no access by counsel, and no independent forum for appeal, are still human rights and rule of law violations. Similar abuses occur in Malaysia, China, Egypt, Saudi Arabia, Syria, and Chechnya. In order to counter terrorism, it is necessary to have inter-governmental cooperation and adherence to international standards. Abuses, wherever they occur, must be documented.

- * HRW was to have published in December 2003 a major paper on its findings on the Iraq war and the US occupation. Note difference between 'accidents' and 'casualties'; deaths of non-combatants do not mean an automatic violation of the Geneva conventions. The question is whether all precautions were taken to prevent these deaths, if there was pursuit of a specific military target, etc. Also, a major problem is that the US is NOT collecting data on the number of civilian casualties, no less on the reasons for their deaths. (Ken Roth)
- * The Security Council should respond to the issue of the targeting of civilians as a method of armed conflict.
- * Emergence of a shift from establishing international law standards, to enforcement by a "judicial" model. Caution is necessary to ensure that the availability of international justice remedies does not reduce domestic responsibilities or initiatives. (Perm.Rep. to UN, Chile)
- * How are human rights standards made binding on global corporations and other non-state actors in the face of the diminishing role of central governments? Problem is that existing mechanisms are built around the role of the state, and are inadequate; there is no political will on the part of either the home state or the state where the wrongful acts take place. (Prof. Philip Alston)
- * Issue of debt forgiveness—the Millenium Development Goals (MDG's) is an attempt to deal with this. It is necessary to have clear commitments by governments to meet these

goals, and when there is a clear inability to meet them, the "international community should step in." (Alston)

- * Human rights attach by virtue of being a human, and not only a "citizen." Every dollar going to debt service decreases necessary services, but we can also look to repatriation of former dictators' wealth. (Munzu, UNDP)

Note that on Dec. 15-16, 2003, there was a separate Asian Consultation on the Vienna Declaration + 10 in Bangkok, which resulted in its own Concept Paper.

Several NGO-sponsored meetings held in early 2004 focused on the collective theme of trauma interventions and conflict prevention, as well as maintaining human rights during the fight against terrorism. Note that a "Digest of jurisprudence of the UN and regional organizations on the protection of human rights while countering terrorism" is available (HR/PUB/03/1), OHCHR, Geneva, 2003.

At the core of human reactions to trauma is a sense of isolation and loss of identity, leading to a lack of control. Lessons learned in dealing with war-affected populations: importance of doing assessment of affected peoples' unique needs; maintaining basic human dignity in all aspects of dealing with these groups, e.g., manner of distributing food to refugees. Similarly, psychosocial awareness must be integrated into services and programs at all levels, e.g., awareness of special needs within affected groups, like children. Also, awareness and humility are required in dealing with cultures, which have their own healing methods.

In El Salvador, Walberto Tejeda described a 3-year old program which trains "grassroots therapists" to aid in healing survivors of massacres, including holding ritual memorials at the sites of the traumatic events, and various other methods based on "Peoples' Education." Peace must be seen as positive, empowering and affirming, while the trauma of war is transmitted across generations.

One program focused on Iraq; it was mentioned that despite there having been a Special Rapporteur on Iraq since at least 1992, visits were not permitted until the current Special Rapporteur, Andreas Povromatis, went there in 2002. Even though Iraq ratified most human rights conventions (except

for the Torture Convention) and maintained reporting requirements to relevant treaty bodies, some human rights monitoring procedures were not followed by the Saddam Hussein government. All relevant Treaty bodies, especially the Committee on Minorities, called for the end of sanctions. It was acknowledged that Iraqi society is rich in judicial and legal resources and in NGO's, which should be supported and strengthened.

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

Activities Report From Japan Lawyers International Solidarity Association (JALISA) Prof. Osamu Niikura reports:

Japan is now in turmoil as the governing parties continue to seek remilitarization. While seeming to assume cooperative roles, they have actually participated in unilateralist world politics. Examples are numerous: deployment of Japanese Self-Defense Forces to Iraq; logistical support operations for the US fleet in the Indian Ocean connected with the US aggression against Afghanistan; drastic financial "reforms" by the name of "Big Ban"; long-standing deflationary economic policies; a sky-rocketing amount of overseas assets deposited in the Federal Reserve Bank; judicial "reforms" with a view to fine-tuning a so-called world standard; etc. One of the major destructive programs in the legal field here is a constitutional 'reform' aimed at eliminating Article 9, our long-cherished pacifist clause, which expresses Japanese people's aspirations for peace and peaceful co-existence.

JALISA sent its board member, Mr. Yorio Shiokawa, to the UN commission on Human Rights in Geneva in March and April of 2004. He made an oral statement on behalf of IADL, and, on behalf of JALISA, called upon NGO activists in Geneva to support an appeal against changing Japan's Constitution.

While democratic forces had some success in the Republic of Korea at its recent general election held in April, Japanese progressives lost many of their

seats in the House of Representatives last October [2003]. The total number of Communists and Social Democrats in the Diet is at the lowest point since the end of World War Two. Any resurgence in the labor movement is weakened by employers' challenges and by creeping apathy among younger workers about political issues. On the contrary, nationalist and even chauvinist views have been fed by anger against the recent kidnapping of Japanese nationals in Iraq.

JALISA is committed, along with other associations of lawyers and civil society groups, to run nation-wide campaigns against sending Japanese military personnel to Iraq or to Afghanistan. It hosted a seminar on Peace in East Asia, inviting specialists from China, South Korea and Korean residents in Japan. It also participated in several popular anti-war rallies in Tokyo and elsewhere in the Archipelago.

Professor Osamu Niikura, Secretary-General, presided over the International Criminal Tribunal for Afghanistan, in which distinguished members of IADL participated, namely Profs. Niloufer Bhagwat and Peter Erlinder, along with Prof. Robert Ackroyd from Great Britain and Prof. Asaho Mizushima from Japan. The final judgment, issued on March 13, 2004, ruled that President George W. Bush is guilty of crimes of aggression and against humanity as well as war crimes and genocide.

NEWS FROM DROIT SOLIDARITÉ (FRANCE)

Roland Weyl reports:

Droit Solidarité is preparing for two upcoming events this fall: a hearing of a lawyer's Commission about crimes of aggression and war crimes committed in Iraq, and a public meeting about the UN Charter analyzing the illegality of the embargo and other acts against Iraq.

The analysis of the illegality of the UN sanctions is found in a brochure edited by Droit Solidarité in French and English and is titled "Peace, Peoples and United Nations". The article further challenges the ideology of the UN as an independent high power, because under its Charter it must be an assembly of the people who represent individual governments.

Finally, last November Droit Solidarité decided to launch a four page monthly periodical which will include short papers regarding domestic and international law and news about the activities of lawyers and NGO's from abroad. Plans are to circulate this publication by mail to 150 recipients.

**IADL U.N. Representative – Geneva
Raymond Merat reports:**

Madame Renee Bridel and Mr. Raymond Merat attended the 60th session of the UN Human Rights Commission held in Geneva 15 March-23 April, 2004. Madame Renee Bridel organized IADL's list of speakers, which included representatives from Japan, Colombia and the Tamil Minority in Sri Lanka. Issues raised included the situations in the occupied Palestinian territories and in Sudan. A vote was taken condemning the assassination of Sheikh Yassin by the Israeli government. Although there was overwhelming support for this Resolution, the US and Australia voted against it, while the EU disappointingly abstained voting as a bloc.

Regarding Sudan, it is clear that the survival of a minority is at stake. A government sponsored "militia" is murdering and destroying buildings, towns, villages and people. It is imperative that the UN investigates this crisis, and not wait to take action until after there is a full-fledged genocide as occurred in Rwanda. An agreement was reached between the EU and the Africa Group in which the Sudanese government consented to implement a number of measures. Only the US opposed this agreement, a neighboring country, Uganda, abstained. Several of these votes demonstrate the problem of voting in blocs, where one state speaks for many others.

Another issue of concern is the press has criticized the Commission for "not acting" against human rights abuses. While the UN leadership can and should express outrage and condemnation, only the Security Council is authorized to take action against those member states, which are violators.

**IADL U.N. Representative – VIENNA
Evelyn Duermayer reports on her activities.**

The two NGO's meetings in Vienna I have been regularly attending are the Vienna Alliance on Crime Prevention and Criminal Justice and the Vienna NGO committee on the Status of Women.

The Vienna Alliance is primarily concerned with trafficking in human beings and defining Victims and Perpetrators. Other issues worked on by the Alliance are technical assistance, monitoring, and the implementation of standards and norms. It is now preparing for the Fifth Congress, to take place in Thailand from April 18th to April 25, 2005. On June 2nd, the President of the General Assembly made a visit to Vienna and had very constructive talks with the Vienna Alliance

The Vienna NGO committee on the Status of Women is considering how to implement the Beijing Platform for action, the outcome documents of the 23rd special session of the General Assembly of the UN, and the current challenges and forward-looking strategies for the advancement and empowerment of women and girls, in preparation for the 49th Commission on the Status of Women (March 2005).

Gender equality, violence against women and children, the equal distribution of public resources and services, as well as the equal distribution of responsibility between women and men, and working for effective measures against the feminization of poverty by developing countries, is continuously on the agenda.

UPDATE ON IADL'S CO-SPONSORSHIP OF TRIBUNAL ON IRAQ

At the last Bureau meeting (Damascus, Dec. 13-15 2004), it was agreed that work would proceed on the proposed International Peoples' Tribunal on Iraq, and that the Charter of the Tribunal, written by Lennox Hinds as head of the 'Legal Committee' of the Tribunal, would be the basis of the legal contentions to be made at such a proceeding.

It was then decided that the preferred venue would be Germany, and since there is a long history of German legal and scholarly involvement with IADL, these contacts would be helpful in assisting with local administrative back up. It was also hoped that, although the IADL proposal was to be more of a "legal" procedure, this Tribunal could still be a part of, and cooperate with, the series of such Tribunals and forums which are being held in different parts of the world, to culminate in a Tribunal in Istanbul during 2005.

IADL is now co-sponsoring a hearing/conference, to be held in Berlin on June 19, 2004, during the term of the forthcoming Bureau meeting. Although this session will not be held in the form originally envisioned, IADL members believe that it is important to legitimate international law and institutions in the face of wholesale disregard of those principles, to pursue some form of accountability against the four invading states, and to bring such violations to the attention of a global audience.

The program on June 19th will include an opening statement by IADL President, Jitendra Sharma, and presentations by several other IADL members. Note that although some evidence in the form of victim, eyewitness, and expert statements will be part of the schedule, the intent is to introduce the issues and arrive at a proposal for future activities.

See following for Conference schedule.

International People's Tribunal on the Aggression Against Iraq Opening conference on June 19, 2004 in Berlin at Gewerkschaftshaus, Keithstr. 1 – 3

The conference is a one-day hearing on the topic (from about 9:00 AM to 6 PM) with international attendance. The aim is to introduce the issues and to start with the accumulation of evidence. After the conference there will be a final meeting in order to discuss future activities.

Conference schedule: (Subject to change)

9:00 – 9:30 AM: Welcome and introduction

Opening by Jitendra Sharma, IADL President, India

Presentation of the plan for the tribunal (topics to be covered, foundations in international law, history of the Russell tribunals, tribunal on the NATO war against Yugoslavia, Afghanistan tribunal in Japan...) – **Prof. Wolfgang Richter** (European Peace Forum)

PANEL I (9:30 AM – 11:00 AM):

War of aggression as a crime

- **The war against Iraq and international law**
Lies about threats, the "Strategy of Preventive War" and the "Doctrine of humanitarian Intervention"
-- **Prof. Norman Paech** (University of economic and politic, Hamburg)
- **The war before the war.** The Iraq policy of the United States in the nineties: Sanctions, embargo, no-fly zones, bombings etc. The sanctions in particular are a violation of international conventions in many respects. The U.N., Germany and the other allies of the U.S. and Great Britain are carry a heavy responsibility – **Dr. Hans v. Sponeck**
- **„Conspiracy and Crimes against Peace"**
Prof. Lennox Hinds, *Internat. Association of Democratic Lawyers (IADL)*
- **The role of the Federal Republic of Germany before and after the war.**
Overflight rights, use of the U.S. military bases in Germany. Participation of Bundeswehr soldiers on AWACS planes in the war region and as substitute for U.S. troops transferred to the Gulf. – **Prof. Gregor Schirmer (expert on international law)**

PANEL II (11:00 AM to 12:00 PM):

Reports of the hearings in other countries, in particular from

- **the hearing in London:** The illegal character of the war and war crimes during its execution
-- **Prof. Bill Bowring**
- **the hearing in Brussels:** On US global strategy -- **Prof. François Houtart, Belgian**
- **Tribunals in Japan** on the war against Afghanistan and Iraq -- **Prof. Osamu Niikura**
- **Tribunal Kiev/Moscow** – **Prof. Michail Kusnezow**

Lunch break (12:00 PM – 1:00 PM)

PANEL III (1:00 PM – 3:30 PM):

Crimes during the war - Iraqi victims, eyewitnesses, documents and experts (depends on suitable speakers)

- Pentagon and CNN Video about the killing of wounded Iraqi
- **Looting and arson in full view of the occupation troops, who sometimes participated**
Prof. Walter Sommerfeld (University of Marburg)
- **Emman Khammas**, Occupation Watch Center, Bagdad
- **Haifa Zangana**, Iraqi writer, feminist
- **Dr. Gert Van Moorter**, Medicine for the Third World
- **Human rights violations perpetrated by the occupation troops** – arbitrary and/or excessive use of violence, treatment of prisoners (of war) etc.
Eyewitnesses, Barbara Lochbihler (Amnesty International]

Break

SEMINARS (3:30 PM – 5:30 PM):

- **1. The situation under the occupation:** Non-compliance with the task of an occupier to reestablish law and order as well as the supply of basic necessities

- **2. The use of banned weapons, environmental destruction:** Use of weapons banned by the Geneva Convention and customary humanitarian law (e.g., cluster bombs, depleted uranium, napalm, vacuum bombs etc.)
- **3. The occupation regime and its economic measures:** An overview of the extensive intervention into the social fabric of the Iraqi society, sellout, privatization and long-term occupation (violation of the Hague Convention on Customs of War on Land...)
- **4. The involvement of Germany**
- **5. The international tribunal movement** further reports of events in other countries, international cooperation, division of labour ... (discussion in English)

Results of the seminars: 5:30 PM – 6 PM

Final deliberations of the activists 6:30 PM – 9 PM (open ended)

UNITED NATIONS CALENDAR OF EVENTS**June – December 2004**

Date(s)	Event	Location
7 – 11 June	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, Working Group A and informal/expert meetings	Vienna
7 – 11 June	UNICEF, Executive Board, annual session	New York
14 – 18 June	Meeting of the States Parties to the United Nations Convention on the Law of the Sea	New York
14 – 25 June	Open-ended working group on an International instrument to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, first session.	New York
21 – 25 June	Meeting of persons chairing human rights treaty bodies	Geneva
21 June – 23 July	United Nations Administrative Tribunal	Geneva
28 June – 2 July	Commission on Human Rights, Subcommission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of Slavery	Geneva
28 June – 9 July	Conference of the States Parties to the Convention against Transnational Organized Crimes and its Protocols, first session	Vienna
28 June – 23 July	Economic and Social Council, substantive session	New York
28 – 29 June	Preparatory Meeting of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction	Geneva
29 June – 2 July	Organization for the Prohibition of Chemical Weapons, Executive Council	The Hague
29 – 30 June	United Nations African Meeting in Support of the Inalienable Rights of the Palestinian People	Capetown
30 June – July 2	Committee on the Elimination of Discrimination against Women, Working Group on Communications under the Optional Protocol to the Convention	New York
June/July	Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (6-8 meetings per week, up to 30 meetings)	New York
1 July	United Nations Forum of Civil Society in Support of Middle East Peace	Capetown
5 – 16 July	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, eighth session	Geneva

UNITED NATIONS CALENDAR OF EVENTS**JUNE – DECEMBER 2004**

Date(s)	Event	Location
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5 July – 6 August	International Law Commission, fifty-sixth session	Geneva
5 – 23 July	International Law Seminar	Geneva
6 – 23 July	Committee on the Elimination of Discrimination against Women, thirty-first session	New York
19 – 23 July	Commission on Human Rights, Subcommission on the Promotion and Protection of Human Rights, Working Group on Indigenous Populations	Geneva
22 – 23 July	Subcommission on the Promotion and Protection of Human Rights, intersessional forum on economic, social and cultural rights (Social Forum)	Geneva
26 July – 13 August	Commission on Human Rights, Subcommission on the Promotion and Protection of Human Rights, fifty-sixth session	Geneva
July	United Nations Seminar on Assistance to the Palestinian People	Place to be determined
2 – 6 August	Assembly of States Parties to the Rome Statute of the International Criminal Court, Budget and Finance Committee	The Hague
2 – 20 August	Committee on the Elimination of Racial Discrimination, sixty-fifth session	Geneva
5 August	Thirteenth Meeting of States Parties to the Convention on the Elimination of All Forms of Discrimination against Women	New York
16 – 20 August	Commission on Human Rights, Working Group on Enforced and Involuntary Disappearances, seventy-third session	New York
6 – 10 September	Assembly of States Parties to the Rome Statute of the International Criminal Court	The Hague
9 September	Twenty-second Meeting of States Parties to the International Covenant on Civil and Political Rights	New York
13 – 24 September	Commission on Human Rights, working group on a Draft United Nations Declaration on the Rights of Indigenous peoples	Geneva
13 – 17 September	Commission on Human Rights, Working Group on Arbitrary Detention, fortieth session	Geneva
13 – 17 September	UNICEF, Executive Board, second regular session*	New York
28 September - 8 October	Commission on Human Rights, working group of experts on people of African descent	Geneva
September	United Nations International Conference of Civil Society in Support of the Palestinian People	Place to be determined
4 – 8 October	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, Working Group A and informal/expert meeting	Vienna
12 – 15 October	Organization for the Prohibition of Chemical Weapons, Executive Council	The Hague

UNITED NATIONS CALENDAR OF EVENTS
JUNE – DECEMBER 2004

Date(s)

Event

Location

18 October – 5 November	Human Rights Committee, eighty-second session	Geneva
October/November	United Nations Administrative Tribunal (5 weeks)	New York
8 – 12 November	Committee against Torture, pre-sessional working group	Geneva
8 – 16 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, ninth session	Geneva
8 – 19 November	Commission on Human Rights, Working Group on Enforced and Involuntary Disappearances, seventy-fourth session	Geneva
8 – 26 November	Committee on Economic, Social and Cultural Rights, thirty-third session	Geneva
15 – 19 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
15 – 26 November	Committee against Torture, thirty-third session	Geneva
17 – 26 November	Commission on Human Rights, Working Group on Arbitrary Detention	Geneva
29 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	New York
29 November – 3 December	Conference of the States Parties to the Convention on the Prohibition of Chemical Weapons, ninth session	The Hague
November	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 (1 meeting)	New York
December	Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, thirty-eighth session (2 days)	New York
Dates to be determined	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994	Arusha
Dates to be determined	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	The Hague

UNITED NATIONS CALENDAR OF EVENTS

JUNE – DECEMBER 2004

Date(s)

Event

Location

Dates to be determined	Commission on Narcotic Drugs, meeting of heads of national drug law enforcement agencies, Asia and the Pacific region (1 week)	Bangkok
Dates to be determined	Commission on Narcotic Drugs, meeting of heads of national drug law enforcement agencies, Latin America and the Caribbean region (1 week)	Santiago
Dates to be determined	Second 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
Dates 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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