

CBI to send team to Portugal for Monica extradition

Statesman News Service

NEW DELHI, Dec. 5. - Following Portugal Supreme Court's refusal to give any respite to Monica Bedi, CBI would send a team for Portugal to complete the formalities for the extradition of the cine star.

Monica Bedi, who is in preventive detention in Portugal, will be extradited to India to face trial in a passport forgery case. She and her companion Abu Salem, the underworld don wanted in Bombay serial blast cases, were arrested in Portugal two years ago, where they had migrated on fake passports.

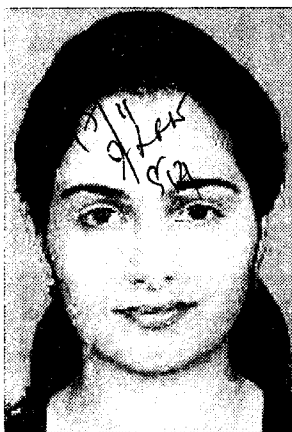
She had approached the Supreme Court in Portugal for not extraditing her to India. She had also written to the President and the Prime Minister seeking pardon. While President and Prime Minister had referred her plea to home ministry, the Supreme Court turned down her application. She was jailed in Portugal for two years for entering the country assuming the name of Sanha Kamal Mallick on a forged passport.

After her release on 26 September, she was again placed under detention. Even though she would not be tried for the 1993 Mumbai serial blasts in which more than 250 people were killed and thousands injured, she will be reportedly questioned on Salem's activities. Salem and Bedi were arrested in Lisbon on 18 September, 2002 for entering the country on forged passports. Both had ostensibly started a watch trading business. Salem is facing a jail term of four-and-a-half years in Portugal for entering the country on forged documents. His application against the Lisbon High Court order to extradite him to India is pending with the Supreme Court. The CBI sources said the officials had briefed the Portuguese authorities about the gun-running racket allegedly operated by Salem in India.

06 DEC 2004

THE STATESMAN

Portugal jolt for Monica



Press Trust of India

NEW DELHI, Nov. 16. — Supreme Court of Portugal has dismissed a petition of Abu Salem's girlfriend Monica Bedi seeking her release after completion of her jail sentence of two years in September this year even as CBI turned down the request seeking cancellation of extradition proceedings against the little known Bollywood actress.

Bedi had claimed in her petition that she had completed her sentence of two years in September 17 this year and that she should be released now, CBI sources said. However, the Portuguese Prosecutor

General's office challenged her petition saying that she was facing an extradition trial to India and that she should be kept in judicial custody.

The Supreme Court rejected her petition and ordered that she should be kept in judicial custody, the sources said.

The Portugal High Court had earlier ruled that Bedi could be extradited to India to face trial in a case related to possession of forged passport.

Bedi was sentenced to two year imprisonment in Portugal for entering that country on a forged document and continuing to use it for stay there. The little-known Bollywood actress had also written a letter to President APJ Abdul Kalam and Prime Minister Manmohan Singh seeking pardon and allowing her to go to Norway where her parents were settled.

The letter was handed over to the CBI for opinion on which the agency suggested to the Government that it would not be feasible to stop the extradition trial against her at this stage.

Monica seeks Kalam help to avoid extradition

Our Political Bureau

NEW DELHI 9 NOVEMBER

UNDERWORLD don Abu Salem's girlfriend Monica Bedi is leaving no stone unturned in her attempts to thwart her extradition chances.

After seeking prime ministerial intervention, she has now written a letter to President A.P.J. Abdul Kalam seeking pardon for the offence she committed by procuring passports in an assumed name. Lodged in a Portugal jail, Bedi's hand-written letter, requesting a withdrawal of criminal cases, reached the



BEDI: NAB STIR

President's secretariat some time ago. President House spokesman S.M. Khan confirmed that the secretariat had received a letter from Bedi seeking pardon. The letter was for-

warded to the Union home ministry and ministry of external affairs "for appropriate action", Mr Khan said.

The Bollywood actress has been in jail for more than two years after she was convicted of entering Portugal on forged travel documents. She had acquired a fake passport from the Hyderabad regional passport office in the name of Sanha Kamal Mallick.

In the letter, she apologised for her mistake and said she was scared to return to India as it would not only jeopardise her career and make her life miserable, but would also prevent her from meeting her parents, who are settled in Norway. This is the second of two letters Bedi has shot off in a desperate attempt to stall extradition proceedings.

Earlier, she had tried to influence the Portugal courts by saying that she would not get a fair trial in India.

A few days back, she had written a similar letter to the PMO, which has been routed to CBI for an opinion.

The letter states that Abu Salem, who is also behind the bars in Portugal, had forced her to secure a forged passport. Trying to distance herself from the underworld don, she clarified that she had never used the forged passport while going out of India or during her stay in Dubai. The actress has also expressed her apprehensions regarding CBI questioning in connection with the 1993 Mumbai bomb blasts, of which she claims she has no knowledge.

"When the blasts took place, I was merely 16 years old and was staying in Norway. My association with Salem was very limited and it continued to be like that even when we were caught in Portugal," she said in her letter.

"I know that I have committed a mistake and all I require is a second chance," Bedi said, adding: "Me and my family are already paying a heavy price for my association with Salem." On September 18, 2002, Bedi was caught in Lisbon travelling under the bogus name of Sanha Kamal Mallick. Salem and two others were accompanying her. Extradition proceedings against the two are pending at the Portugal Supreme Court.

India, S Korea sign extradition treaty

9/10/2002
SAR 2
6/10

New Delhi: Ushering in a new chapter in their bilateral relations, India and South Korea on Monday signed an extradition treaty and an accord on mutual legal assistance in criminal matters as they agreed to establish a long-term cooperative partnership for peace and prosperity.

The treaties were signed in the presence of Prime Minister Manmohan Singh and visiting South Korean President Roh Moo-Hyun, by external affairs minister K Natwar Singh and South Korean minister of foreign affairs and trade Ban Ki-Moon.

The prime minister and Roh held an over 90-minute meeting covering a wide range of bilateral, multilateral and global issues during which they agreed to establish a long-term cooperative partnership for peace and prosperity which will seek to take advantage of economic complementarities and political convergence. The two sides decided to step up defence cooperation in areas like anti-piracy and search and rescue operations. Consultations on expanding cooperation in the fight against international terrorism would be carried out through various bilateral and multilateral mechanisms.

Under the extradition treaty, any offence committed inside or outside the territory of one party, and which is punishable at the time of the request, with imprisonment for a period of at least one year under the laws of both countries, would be an extraditable offence. The treaty would provide the necessary legal framework for seeking extradition

of fugitive offenders, including those who may be wanted in respect of economic offences. It would provide a strong legal basis for cooperation between the two countries in dealing with the unlawful elements.

The treaty on mutual legal assistance in criminal matters would provide for wide measures of mutual cooperation for preven-

tion, investigation, prosecution and suppression of crime falling within the jurisdiction of the two countries.

Noting the decision to launch a new dialogue on foreign policy and security by early 2005, covering regional and international security issues, bilateral defence and service-to-service exchanges and counter-terrorism, the two leaders agreed to further promote exchanges and interaction in the defence field, spokesperson said. EN



Roh Moo-Hyun with Manmohan Singh prior to their meeting on Tuesday

US Intelligence soldier jailed for Ghraib abuse

Reuters
Baghdad, September 11

THE FIRST American military intelligence soldier to be court-martialled over the Abu Ghraib abuse scandal was on Saturday sentenced to eight months in jail, a reduction in rank and a bad-conduct discharge.

Specialist Armin Cruz, a military intelligence analyst, had pleaded guilty to maltreatment and conspiracy to maltreat detainees. The court martial accepted his guilty plea. Cruz, 24, is the eighth person to be indicted for abusing Iraqi detainees in an affair that provoked worldwide outrage when it broke in April. He was the second to be sentenced.

In an emotional testimony before being sentenced, Cruz told the court he took full responsibility for his actions, but he offered few explanations. "I knew my actions were wrong," he said. "There's no way to justify it."

As the first intelligence operative to be tried, Cruz's

case is significant because the Pentagon has said the abuse was the work of a few bad military police acting on their own, and not on the orders of intelligence officers.

Defence lawyers for some indicted soldiers say intelligence officers ordered military police to "soften up" prisoners ahead of interrogation, and that senior commanders knew about or even sanctioned the abuse.

Stephen Karns, Cruz's civilian lawyer, described his client as a "war hero" who acted out of character in Abu Ghraib because he was suffering from traumatic stress following a mortar attack, which blew up a close colleague. Karns said he was disappointed with the bad-conduct discharge and would appeal.

"I believe he can still make contributions to the US Army ... I think the army is losing a lot in this soldier."

In a report into the abuse by US Army Major General George Fay issued last month, Cruz was identified

as having taken part in the mistreatment of three prisoners at the jail.

A photograph taken on October 25, 2003, showed Cruz and two other intelligence soldiers standing in the background as military police abused three prisoners in the foreground.

Cruz, a reservist from Texas, was assigned to the 325th Military Intelligence Battalion in Iraq. As an analyst he was not supposed to be involved in interrogations, but, like other analysts, was often drafted in to help with questioning. In sworn testimony presented in another Abu Ghraib case, Sergeant Samuel Provance said Cruz "was known to bang on the table, yell, scream, and maybe assaulted detainees during interrogations in the booth".

Cruz was awarded a Purple Heart after being wounded in a mortar attack on the prison in September 2003 and was nominated for a Bronze Star, an award that was suspended pending the abuse investigation.

প্রত্যর্পণ চুক্তি এখনই চায় না পাকিস্তান

স্টাফ রিপোর্টার, নয়াদিল্লি, ২৯

অগস্ট: ভারত ও পাকিস্তানের অপরাধী-প্রত্যর্পণ চুক্তির প্রস্তাবে জল ঢেলে দিয়েছে ইসলামাবাদ। ভারতের তরফে ইসলামাবাদে সাম্প্রতিক স্বরাষ্ট্রসচিব পর্যায়ের বৈঠকে এই চুক্তির জন্য প্রয়োজনীয় ভিত্তিভূমি তৈরি করার প্রস্তাব দেওয়া হয়। কিন্তু পাকিস্তান বলেছে এর সময় আসেনি।

ভারত বহু দিন ধরেই মনে করে দাউদ-সহ অনেক ভারতীয় অপরাধীই পাকিস্তানে লুকিয়ে। কিন্তু পাকিস্তান তা মানে না। ভারত কুড়ি জন 'মোস্ট ওয়ান্টেড' অপরাধীর তালিকা দিলেও পাকিস্তান সেই অনুযায়ী কোনও ব্যবস্থা নেয়নি। ভারতের স্বরাষ্ট্রসচিব চেয়েছিলেন, দু'দেশ তথ্য বিনিময় করে ওই চুক্তির জন্য প্রয়োজনীয় ভিত্তিভূমি তৈরি করুক। তা হলে এক দেশের অপরাধীরা আর অন্য দেশে গিয়ে আশ্রয় পেতে পারবে না। ভারতের সঙ্গে আরব আমিরশাহি ও কুয়েতের প্রত্যর্পণ চুক্তি হয়েছে। সৌদি আরবের সঙ্গে ওই চুক্তি হতে পারে। তাতে পাকিস্তানের উপরে চাপ বাড়বে। সেই উদ্দেশ্যে আগামী মাসে পাক বিদেশমন্ত্রী কাসুরির সঙ্গে আলোচনায় সময় ভারতের বিদেশমন্ত্রী নটবর সিংহ বিষয়টি তুলতে পারেন।

Pak rejects proposal for extradition treaty

Ind. News
04-1
2008

New Delhi: Pakistan has shot down the Indian proposal for an extradition treaty between New Delhi and Islamabad, saying time has not arrived for such a step.

The Indian side had mooted the proposal during the home secretary-level talks in Islamabad earlier this month, sources said. They said New Delhi, which was represented by Union home secretary Dharendra Singh, sought assistance for preparing grounds for having an Indo-Pak extradition treaty whereby criminals of each other's nationality could be handed over to face trial.

The issue figured during Singh's talks with his Pakistani counterpart Tariq Mahmood in Islamabad on August 11-12. The Indian side had emphasised on joint efforts to check the growth of criminals operating without any boundaries. The Pakistani side showed no inclination for making any ground work for the treaty, saying time had not come for a such a step.

The talks were part of a composite dialogue process between India and Pakistan which would be reviewed by the two foreign ministers—Natwar Singh and Khur-



K M Kasuri Natwar Singh

sheed Muhammed Kasuri—in New Delhi early next month.

The Indian side has already submitted a fresh list of 25 most wanted criminals which included Dawood Ibrahim, seven accused in the hijacking of IC-814 and others, most of them, involved in the 1993 Mumbai serial bomb blasts. The Pakistani side showed complete ignorance about the list, the sources said. India also proposed extending mutual le-

gal assistance in criminal matters but the suggestion was turned down by Pakistan, saying such matters were not on the agenda.

The Indian side emphasised that such measures could help in further strengthening the confidence-building measures between the two countries. Surprisingly, there was no response from Islamabad, the sources said. At the two-day talks which dealt on terrorism and drug trafficking, India raised issues like still existing terrorist infrastructure in Pakistan and continued functioning of militant groups like the Lashkar-e-Toiba and the Jaish-e-Mohammad. Agencies

Abu Ghraib & the Milosevic standard

By Siddharth Varadarajan

Just as Slobodan Milosevic was prosecuted, charges can be brought against George W. Bush and Donald Rumsfeld for the commission of war crimes by their subordinates.

WHEN A United States court in 2001 ordered the Saddam Hussein Government to pay \$6.7 million to two American citizens, David Daliberti and Bill Barloon, for the torture they suffered at Abu Ghraib prison in 1995, the ruling was hailed by neoconservatives as a landmark one. The Torture Victims Protection Act (TVPA) had been amended in 1996 to let victims bring tort claims against sovereign governments in a U.S. court. Daliberti and Barloon, who had been arrested after "straying" over the Kuwait-Iraq border and held for five months, filed a case alleging torture while in Iraqi custody. Ruling in their favour, U.S. District Judge Louis Oberdorfer said the treatment meted out to the two Americans — being held in cells with no water and toilet, being kicked and threatened with electric shocks to their genitals — was "more than enough to meet the definition of torture in the [TVPA]."

Emboldened by this judgment — and by the fact that the U.S. occupation of Iraq in 2003 would make it easier to enforce the ruling of an American court — Abdullah Alkhozai, who had been tortured by the Saddam regime at Abu Ghraib in 1991, filed a suit under the TVPA against the former Iraqi President and 'Chemical Ali'. In November 2003, notice was sent to the two men, who were in U.S. custody, and on June 14, 2004, a federal court awarded Mr. Alkhozai \$88 million. By then, however, the situation had changed. Abu Ghraib had become synonymous with torture by Americans. So even as Mr. Alkhozai happily declared, "I feel the USA got my justice for me," the Bush administration intervened to make sure other Iraqis did not start getting ideas.

Within days of the award, the court was informed of the Justice Department's interest. "In light of the significant foreign policy interests of the U.S. related to the evolving situation in Iraq, and the legal consequences of various actions of the President ... taken in furtherance of those interests, the U.S. is currently considering its participation in this litigation," a notice filed by Assistant Attorney General Peter D. Keisler stated.

What are these "legal consequences of various actions of the President" that the notice refers to? Is this merely a reference to the administration's desire to use the assets of the erstwhile Saddam regime for Iraqi reconstruction rather than for compensating victims? Or could it be an elliptical reference to the torture of Iraqi prisoners by the U.S. Occupation Authority and the fear that judgments of this kind could open the floodgates to similar claims by Abu Ghraib's most recent victims?

Either way, the Justice Department declared last week that Mr. Alkhozai's claim was null and void because notice on Mr. Hussein and 'Chemical Ali' had been "improperly served." The wheels of justice had turned full circle.

Parallel with this effort to block tort claims against torture, attempts are under way to cover up the extent to which the U.S. is responsible for grave breaches of the Geneva Conventions by either sanctioning or condoning the torture of Iraqi POWs and civilian captives. The report by Lt. Gen Paul Mikoloashek, released on July 22, blames the "unauthorised decisions of a few individuals" for the "abuse" of Iraqi prisoners and contradicts the earlier findings of Maj. Gen. Antonio Taguba that the abuses were "systemic and illegal." Courts martial are under way against individual soldiers but the sentences pronounced are remarkably light. In May 2004, two U.S. soldiers, Andrew Sting and Jeremiah Trefny, pleaded guilty to giving electric shocks to an Iraqi prisoner. They received 12 and eight months in prison respectively. Daliberti and Barlow got \$6.8 million for being threatened with electric shocks. One wonders how much the Iraqi that Sting and Trefny electrocuted might be awarded if he were to move Judge Oberdorfer's court under the TVPA. And one wonders how the Justice Department would react.

As these trials proceed, no one seems interested in finding out at what level the torture was sanctioned. Above all, there has been little debate about the command responsibility of Defence Secretary Donald Rumsfeld and President George W. Bush in failing to take steps to prevent the torture and killing of Iraqi prisoners. What makes the absence of a debate all the more surprising is the existence of a voluminous paper trail of official memos that indicates the connivance of the Bush administration in devising legal arguments to justify the torture of prisoners captured in its so-called war on terrorism. The memos, generated by the U.S. Justice Department and the Pentagon between January 2002 and April 2003, suggest systematic attempts were made to push the envelope on "aggressive interrogation" of captives.

Of all the memos, the one written on August 1, 2002, by Jay S. Bybee, Assistant Attorney General, for Alberto R. Gonzales, Counsel to the Presi-

dent, makes for the most disturbing reading. Parsing a U.S. court judgment under the TVPA in *Mehinovic vs. Vukovic*, Mr. Bybee disputes "the court's determination that a beating in which 'Vukovic hit plaintiff Subasic and kicked him in the stomach with his military boots while Subasic was forced into a kneeling position' constituted torture. To be sure this beating caused Subasic substantial pain. But that pain pales in comparison to the other acts described in this case. To the extent the opinion can be read to endorse the view that this single act and the attendant pain, considered in isolation, rose to the level of 'severe pain and suffering', we would disagree with such a view based on our interpretation of the criminal statute."

What Mr. Bybee was telling the White House was that inflicting "substantial pain" on a prisoner during interrogation would not constitute torture since torture requires "severe pain." Is it all that improbable that armed with this advice, the message went down to footsoldiers like Trefny and Lyndie England at Abu Ghraib that it was all right to hurt their captives?

Elsewhere, Mr. Bybee said that "even if an interrogation method were to violate USC 2340 [the U.S. Torture Statute], the statute would be unconstitutional if it impermissibly encroached on the President's constitutional power to conduct a military campaign... [since] the information gained from interrogations may prevent future attacks by foreign enemies." Mr. Bybee also comes close to the crime of conspiracy to commit torture: "Even if an interrogation method might arguably cross the line drawn in Section 2340 and application of the statute was not held to be an unconstitutional infringement of the President's Commander-in-Chief authority," he advises, "we believe that under the current circumstances certain justification defences might be available that would potentially eliminate criminal liability." Among these: the "standard criminal law defences of necessity and self-defence."

It is astonishing that despite the existence of such documents — and only censored versions of these memos have been released — there is no clamour within the U.S. to bring charges against Mr. Bush and Mr. Rumsfeld for the commission of war crimes by their subordinates.

Louise Arbour, chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), had no such documentary evidence when she indicted Yugoslav President Slobodan Milosevic in 1999 on four counts of crimes against humanity and violations of the laws of war. The crimes concerned the death of 340 Kosovar Albanians at the hands of the Yugoslav security forces. Paragraph 84 of the indictment states that "in as much as he has authority or control over the VJ (Yugoslav army) ... Slobodan Milosevic, as president of the FR of Yugoslavia ... is also criminally responsible for the acts of his subordinates." Para 88 states, "A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate (s) was/were about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such acts..."

Ms. Arbour's indictment of Mr. Milosevic was a political one but the logic about command responsibility is robust. The Statute of the International Criminal Court uses similar language but then neither the U.S. nor Iraq is a party. Ms. Arbour is now the U.N. High Commissioner for Human Rights. The body has no legal teeth but the former ICTY prosecutor has added to its impotence by not speaking out against Washington's attempts to hush up the torture issue. On July 29, Dr. Halima Warzazi, outgoing chair of the U.N. subcommission on the protection of rights, made an impassioned plea that the world remember Abu Ghraib. What, she asked, had been the reaction to the photographs of torture by those whose job it was to detect and condemn flagrant violations of human rights? Ms. Arbour, who has that job, and who spoke after her, preferred silence on the issue.

With U.N. bodies powerless, the only place Abu Ghraib's Iraqi victims can seek justice is in the U.S. itself. Criminal prosecutions can perhaps be filed under the Torture Statute and War Crimes Act and tort claims under the TVPA.

Soon after he ordered the invasion of Iraq, Mr. Bush publicly declared that those who mistreated prisoners would be considered war criminals. On March 23, 2003, he was asked for his reaction to the Iraqi capture of U.S. soldiers. "I expect... the POWs ... to be treated humanely. And — just like we're treating the prisoners that we have captured humanely. If not, the people who mistreat the prisoners will be treated as war criminals."

The U.S. legal system, and beyond that, the American court of public opinion, owes it to the world to turn Mr. Bush's promise into reality.

Court orders Salem's extradition

TIMES NEWS NETWORK

New Delhi: A high court in Portugal has stuck to its earlier decision to allow the Central Bureau of Investigation's (CBI) request for the extradition of Abu Salem, boosting the prospect for the prosecution of the fugitive Mumbai don for a host of crimes.

The agency came to know of the Portuguese high court's standing by its earlier order on Monday.

The reiteration was in response to the Portuguese supreme court's directive asking for a detailed justification of the March order of the high court upholding the CBI's plea for extradition of Salem. The

top Portuguese court had asked for the detailed order in response to a petition by Salem challenging his extradition to India on the ground that he would be denied a fair trial in the country of his birth. The high court's order is the second blow it has delivered to Salem. Last week, it ordered the extradition of his accomplice Monica Bedi, a failed starlet.

With Salem girding to challenge his extradition yet again, the CBI's struggle to get him

face the law of the land is going to continue. Though the agency is still not clear as to when they can, if at all, have Salem in custody, additional director CBI Vijay Shankar said, "We are still awaiting a copy of the order but we appreciate the exceptional level of cooperation shown by the Portuguese authorities."

The relief seems justifiable because in rejecting the appeal of Salem, the Portuguese high court has also turned down his

argument that he could not get a fair trial because he belonged to a religious minority. The ground cited by Salem—a judicial system that discriminates against minorities—is the same that Bollywood music maker Nadim Saifi recourised to frustrate the attempt to prosecute him for having allegedly plotted the murder of Gulshan Kumar of T-Series.

Salem, wanted by the CBI in connection with the 1993 Mumbai blasts, tormented leading Bollywood personalities by his ransom calls. He is currently serving a four-and-half year sentence in a Portugal prison after being convicted in September 2002 for illegally enter-

ing the country.



because in rejecting the appeal of Salem, the Portuguese high court has also turned down his

World court rules Israeli barrier is illegal

Associated Press
The Hague/Jerusalem, July 9

THE HIGHEST UN court ruled on Friday that Israel's planned 425-mile-long barrier in the West Bank violates international law and urged the United Nations to take action to stop its construction.

The International Court of Justice dismissed Israel's arguments that the barrier was essential for its security and said the system of walls and fences went too far in infringing on the freedom of the Palestinians. The court also ordered Israel to pay reparations to Palestinians harmed by the barrier and return land seized to construct the wall.

"The court accordingly finds that the construction of the wall, and its associated regime, are contrary to international laws," said court president Shi Jiuyong of China said, who was reading the lengthy and complex ruling.

"The court is of the view that the United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall."

The judges were unexpectedly united in backing the decisions, with a vote of 14 to 1 for most paragraphs. Only the American judge dissented.

The 15-member court's advisory opinions are non-binding but bear moral, historic and political weight. They can be the basis for UN action.

The advisory opinion was sought by the UN General Assembly in December at the Palestinians' request. The court heard three days of testimony in February.

The court dismissed Israel's objections that the General Assembly acted irregularly in asking for an advisory opinion. It also rebuffed Israel's argument - supported by the US and several European countries - that the court should refrain from interfering because the issue was political, not legal, and could disrupt West Asian peace efforts.

White House spokesman Scott Mc-

WALL DECONSTRUCTED

THE BARRIER

The network of wire fences and cement walls runs close to the 'Green Line' boundary between Israel and the West Bank before the 1967 West Asia war. The barrier will extend for over 600 km. About 200 km have been completed and work continues on other sections at a cost of \$2 million per km

THE PLAYERS

Israel says it is the best way to keep out suicide bombers. Palestinians call the barrier an 'apartheid wall' to seal a permanent hold on occupied territory and deny them a state

POSSIBLE OUTCOMES

Any opinion the court renders on the legality of the barrier will be non-binding. But Israel fears the General Assembly, where pro-Palestinian sentiment is strong, could use the ruling to lobby for sanctions against it

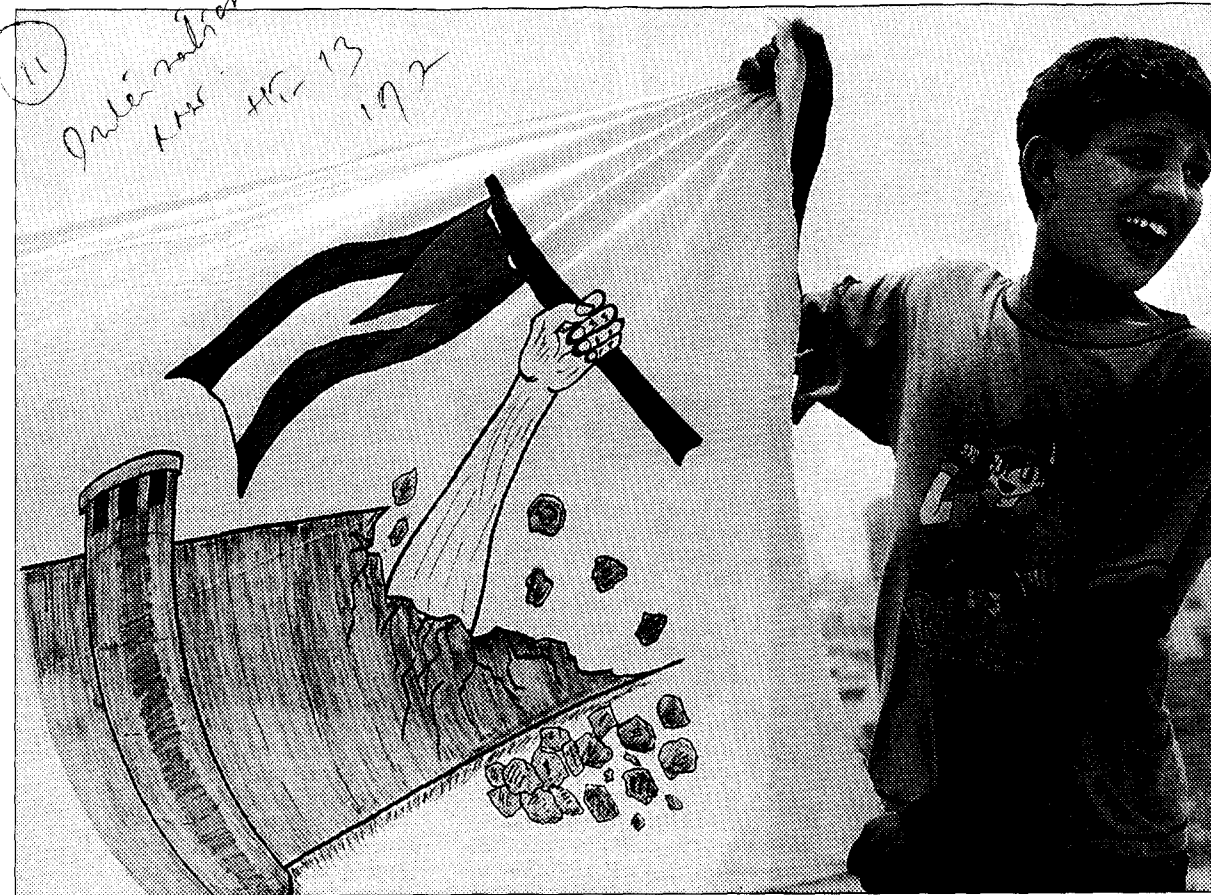
WORLD REACTION

The wall has drawn international condemnation and even Israel's main ally, the US, has called it unhelpful. But the US, EU, and Russia oppose the ruling, saying it may interfere with peacemaking

Clellan denounced the decision, saying the US believed the dispute should be resolved politically. "We've always said that is not the appropriate form to resolve what is a political issue," he said aboard Air Force One.

The court said the wall was routed in a way that would encompass 80 percent of Jewish settlers, while cutting off more than 230,000 Palestinians from their surrounding areas.

Despite Israel's protests that the barrier was temporary and not designed as a political boundary, the



WALL OF CONTENTION A Palestinian youth carries a banner depicting the demolishing of the separation barrier during a rally supporting the ruling of the International Court of Justice in the West Bank village of Bidu West on Friday.

court said it could amount to "de facto annexation". It said the building of the wall "severely impedes the exercise of the Palestinian people of its right to self-determination, and therefore is a breach of Israel's obligation to the respect of that right".

Outraged Israel not to comply

Israel on Friday said it will not comply by the ruling of the International Court of Justice on the West Bank separation fence and would instead

abide by the judgement of its own Supreme Court which has raised objections to the planned route.

Deputy Prime Minister, Yosef Lapid said that Israel would honour only its own court judgements, such as the June 30 High Court of Justice ruling ordering the defence establishment to re-route a 30-km stretch of the separation fence northwest of Jerusalem.

The Supreme Court had held that the fence was a security barrier rather than a political one, but that Israel must balance security considerations

against the needs of local residents. "Now, of course, there is the limitation the Supreme Court of Justice imposed in Israel, and we will comply with our High Court decisions, and not with the panel of EU nations, which are not exactly suspected of excessive sympathy for Israel," Lapid said.

Accusing the ICJ of bipartisan attitude, the National Director of the Anti-Defamation League, Abe Foxman, said, "We thought for a moment the court would rise above prejudice, but as it turns out, it didn't."

REACTIONS

"This is an excellent decision. We thank the court in The Hague. This is a victory for the Palestinian people and for all the free peoples of the world."

Yasser Arafat,
Palestinian leader



"The next step is to approach the UN General Assembly and Security Council to adopt resolutions that will isolate and punish Israel. As of today Israel should be viewed as an outlaw state."

Nabil Abu Rdainah, Senior Adviser to Arafat



Raanan Gissin, Senior Adviser to Israeli PM, Ariel Sharon

"The advisory opinion failed to address the essence of the problem and the very reason for building the fence -- Palestinian terror. If there were no terror, there would be no fence."

Israeli Foreign ministry spokesman Jonathan Peled

"We do not believe that that's the appropriate forum to resolve what is a political issue. This is an issue that should be resolved through the process that has been put in place, specifically the road map."

White House Spokesman Scott McClellan



West Bank barrier illegal: ICJ

Agence France Presse

JERUSALEM, July 9. — The International Court of Justice ruled today that Israel's West Bank barrier is contrary to international law and that parts already built on Palestinian land should be dismantled, a leaked copy of the verdict said.

"The construction of the wall being built by Israel, the occupying power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law," said a copy of the non-binding verdict of the ICJ, widely disseminated on the Internet.

"Israel is under an obligation to terminate its breaches of international law," it added. "It is under an obligation to cease forthwith the



An aerial view of the barrier separating the Israeli village of Baqaa al-Gharbiya (left) from the Palestinian village of Nazlat Issa in the West Bank. — AFP

works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, (and) to dismantle forthwith the struc-

ture therein situated." The court, the UN's highest legal body, also said that Israel should pay compensation to Palestinians whose property had

Israel defiant

JERUSALEM, July 9. — Israel said today it had no intention of halting work on its West Bank barrier, even as the International Court of Justice was set to rule that it contravenes international law, and that parts built on Palestinian land should be dismantled. "Israel has no reason to submit to a plainly absurd decision which pays no account to the role of the security fence in the fight against terrorism," a senior government official said. — AFP

been damaged by the construction work. "Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem," it said.

Blair admits U.K. breached Geneva rules

By Richard Norton-Taylor

LONDON, JUNE 30. Arabs detained by the U.S. complained about their treatment to British intelligence officers who on one occasion questioned an Iraqi prisoner in conditions which breached the Geneva convention, the British Prime Minister, Tony Blair, has admitted.

The disclosure was made yesterday by the U.K.'s parliamentary security and intelligence committee, which also attacked the Government for failing to respond to its earlier criticism of the use of intelligence in the run-up to the war against Iraq. The Government is expecting

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further criticism from the Butler committee to investigate the use of intelligence before the invasion of Iraq. Its report will be published on July 14, the eve of two by-elections.

Yesterday's report disclosed that two British intelligence officers were present when they interviewed an Iraqi prisoner. "The detainee was brought in hooded and shackled by the U.S. military, and remained so during the one hour interview," Mr. Blair said in a letter to the intelligence committee.

The letter, which the committee described as "very recent", is censored to cover up the location of interrogations conduct-

ed by British intelligence officers.

In his letter, Mr. Blair said they "understood these measures to be for security purposes and did not report it at the time since they were not then aware that hooding was unacceptable."

With one exception, he said, interviews were conducted "in a manner consistent with the principles laid down in the Geneva convention." However, Mr. Blair added: "Some of the detainees questioned by U.K. intelligence personnel have complained — either during their detention or subsequently — about their treatment in de-

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tention." He told the committee that British interrogations in Guantanamo Bay and Bagram, in Afghanistan, had helped to counter threats from Islamic terrorism in Britain, and in Iraq had 'facilitated' the disruption of planned attacks against coalition forces there.

On Monday, Mr. Blair said that he was still in discussion with the U.S. authorities over the release of four Britons held at Guantanamo Bay. The report attacked as "extremely unsatisfactory" U.K.'s failure to respond to the committee's criticism last year of the Iraqi weapons dossier. — ©Guardian Newspapers Limited 2004

THE HINDU

... damaged in a blast in Baghdad on Saturday.

Memo links Abu Ghraib abuse to U.S. top brass

By Julian Borger

WASHINGTON, MAY 22. The head of coalition forces in Iraq, Lieutenant General Ricardo Sanchez, issued an order last October giving military intelligence control over almost every aspect of prison conditions at Abu Ghraib with the explicit aim of manipulating the detainees' "emotions and weaknesses", it was reported yesterday.

The October 12 memorandum, reported in the *Washington Post*, is a potential "smoking gun" linking prisoner abuse to the U.S. high command. It represents hard evidence that the maltreatment was not simply the fault of rogue military police guards.

The memorandum came to light as more details emerged of the extent of detainee abuse. Formal statements by inmates published yesterday describe horrific treatment at the hands of guards, including the rape of a teenage Iraqi boy by an army translator.

At present, one prison guard has pleaded guilty to abuse of detainees, and six more are facing courts martial. A separate inquiry is under way into the role of military intelligence, but it is unclear whether any private contractors implicated will face prosecution.

The October memorandum also calls into

question General Sanchez's sworn testimony to the U.S. Senate. At a hearing this week of the Senate Armed Services Committee, he was questioned about an order he had given in November placing Abu Ghraib prison under the command of a military intelligence brigade.

He insisted the order referred only to the defence of the jail.

"All of the other responsibilities for continuing to run the prison for logistics, training, discipline and the conduct of prison operations remained with the 800th [military police] Brigade commander," General Sanchez told Senators.

He specifically rejected the findings of the official report into the Abu Ghraib abuse by Major General Antonio Taguba, who concluded that military intelligence officers had told the guards "to set the conditions" for interrogations.

However, according to the leaked memorandum, General Sanchez had explicitly given military intelligence interrogators control over the "lighting, heating ... food, clothing and shelter" of the detainees being questioned.

It also called for military intelligence officials to work more closely with the military police guards at the prison to "manipulate an inmate's emotions and weaknesses."

The *New York Times* yesterday reported that the military intelligence brigade that took control of the interrogation centre was deployed direct from Afghanistan and brought with it harsh procedures it had developed there. The U.S. military deems U.S. military prisons in Afghanistan to be outside the jurisdiction of the Geneva Conventions because it defines Al-Qaeda and Taliban fighters as "unlawful combatants".

In the *Washington Post* report, one detainee, Kasim Hilas, describes the rape of an Iraqi boy by a man in uniform, whose name has been blacked out of the statement, but who appears to be a translator working for the army.

"I couldn't see the face of the kid because his face wasn't in front of the door. And a female soldier was taking pictures."

It is not clear from the testimony whether the rapist described by Mr Hilas was working for a private contractor or was a U.S. soldier. A private contractor was arrested after the Taguba investigation was completed, but was freed when it was discovered the army had no jurisdiction over him. Under military or Iraqi law.

Another inmate, Haar Dawod, describes more abuse of teenage Iraqis. "They came with two boys naked and they were cuffed together face to face and Grainer [Corporal Charles Gran-

er, one of the military policemen facing court martial] was beating them and a group of guards were watching and taking pictures from top and bottom and there was three female soldiers laughing at the prisoners," he said.

According to most inmate statements, Cpl Grainer ran the night shift at Abu Ghraib's interrogation wing, and dealt out the worst of the abuse.

Ameen al-Sheikh testified: "The night guard came over, his name is Grainer, open the cell door, came in with a number of soldiers. They forced me to eat pork and put liquor in my mouth. The second night Grainer came and hung me on the cell door. I told him I have a broken shoulder. I am afraid it will break again ... the doctor told me 'don't put your arms behind your back'. He said: 'I don't care.' Then he hung me to the door far more than eight hours."

Mr al-Sheikh's testimony suggests military intelligence interrogators were also directly involved in the abuse. When he fails to identify a picture of a man suspected of giving him some pistols, he said the interrogators "point a weapon to my head and threaten they will kill me; sometime with dogs and they hang me to the door allowing the dogs to try to bite me."

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SCANDAL IN IRAQ

Horrendous Acts Should Not Go Unpunished

By AFTAB ALAM

During World War II Lieutenant General Kurt Maelzer, the commander of the German garrison in Rome, was tried by the United States Military Commission in Florence, Italy, in September 1946. He had paraded several hundred British and American prisoners of war through the streets of the Italian capital. During the parade, onlookers threw sticks and stones at them. Numerous photographs were taken and published in the Italian press. Maelzer was convicted of "exposing prisoners of war ... in his custody to acts of violence, insults and public curiosity", and was sentenced to 10 years' imprisonment, later reduced to three years. Will the US and UK governments follow the same standards for their own soldiers who, after almost 58 years, have committed even more serious crimes in Iraq?

Tall claim

The reported torture and sexual abuses of Iraqi prisoners inside Abu Gharib prison by US soldiers has exposed Americans. Their tall claim of liberating Iraqis from Saddam's tyranny has already proved hollow with increasing number of innocent civilians being tortured and killed on a daily basis. At least 25 prisoners have reported being brutally murdered by American troops stationed in Iraq.

A 53-page secret internal army report, authored by Lt General Ricardo Sanchez, the top US officer in Iraq, in possession of the New Yorker reveals that "sadistic, blatant and wanton criminal abuses" regularly take place in US controlled Iraqi prisons. The abuses reported by the New Yorker included "breaking chemical lights and pouring the phosphorus acid on detainees, beating them with a broom handle and a chair, threatening male detainees with rape; sodomising a detainee with a chemical light or perhaps a broom stick".

These misdeeds of US-UK soldiers have been caught in cameras and have been carried by many TV channels and newspapers. These photographs are so humiliating that it can outrage any civilised person. One such

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photograph shows US troops smiling, laughing, posing and giving the thumbs up sign as naked male Iraqi prisoners, their heads covered with hoods, are piling up on top of one another to form a pyramid or positioning to simulate sex acts with one another. Another photograph shows



soldiers from US ally Britain torturing and urinating on a shackled and hooded male Iraqi prisoner. One US General has also revealed that the cell block where the abuses allegedly took place was under the control of military intelligence and attempts were made to systematically keep international red cross out. Moreover, what have been reported or photographed are merely the tip of the iceberg.

All these abuses are a clear manifestation of the US disregard for the well established rules of International Humanitarian Law which seek to humanise the warfare. The brutalities committed by US-UK soldiers are in stark violation of the third Geneva Convention relating to treatment of prisoners of war.

Geneva Convention

The rules of Geneva conventions, which form the basis of IHL, having acquired the status of customary norms are binding upon all countries even though they might have neither signed nor ratified them. Article 13 mandates the basic standards of treatment for prisoners which states that "prisoners of war must at all times be humanely treated". Reprisals against prisoners are expressly prohibited and they must also be protected from

violence, intimidation, insults and public curiosity. Prisoners are also entitled under Article 14, "in all circumstances to respect for their person and honour." Article 75 of the additional protocol to Geneva Conventions has more specifically prohibited "outrage upon personal dignity

in particular humiliating and degrading treatment, enforced prostitution and any forms of indecent assault".

The underlying principle on which prisoners have been accorded such protection is that being a prisoner of war is no way a form of punishment. The International Military Tribunal at Nuremberg established after World War II noted that "captivity is neither revenge nor punishment, but solely protective custody... to prevent prisoners of war from further participation in the war". It is disgusting to note that while the US itself talked about human treatment of its few prisoners in early days of Gulf War II, now it has maintained a mysterious silence. This double-speak of Mr Bush is indeed harming the US claim as the world leader of civilised nations and raises doubts about its commitment to civil liberties.

The media plays an important role in helping to ensure respect for IHL. However, in some cases the very act of taking, publishing or transmitting pictures of a prisoner of war in humiliating position may wound his sense of honour and, therefore, violates Article 13. Unfortunately due to general ignorance of the provisions of the Geneva Convention, this issue has not drawn much

protest and attention.

The irony of the situation is that both the US and the UK governments are trying to underplay the whole issue. Instead of arresting the culprits and initiating criminal proceedings against them, the US government has simply issued the letter of 'reprimand' and 'admonishment'. Unlike the US which has at least owned up to the charges, the British government, seems to be unabashed. Instead of showing any sense of regret, it is questioning the veracity of the pictures.

Bush's plea

The plea of the US President to Iraqis "to judge his nation on its avowed principles, not the scene of degradation in Iraq" and the British government's plea that "actions of a few rogue elements should not detract from the good work being done by the British armed forces in Iraq", are sinister attempts to dilute the issue further. If no urgent and concrete steps are taken to heal the injured honour of Arabs in general and Iraqis in particular, it would further aggravate the situation as more and more Iraqis will be forced to join the ongoing armed resistance against occupying powers making each passing day for them more difficult. Let Mr Bush understand that it is this kind of injustice, humiliation and denial of dignity which produces terrorists.

What is now required is thorough investigation of alleged cases of violation of IHL by the allied forces from the first day of their war on Iraq and refer the entire matter to international criminal tribunal which may be established by Security Council on the pattern of Yugoslavia and Rwanda tribunals. Alternatively the matter may be referred to the newly constituted International Criminal Court by the Security Council acting under chapter seven of UN charter. The international community bears the responsibility to ensure that such gross and horrendous acts do not go unpunished. The Iraqi prison scandal throws some light on why US is so reluctant to ratify the statute of the International Criminal Court enabling its soldiers to crush the dignity of others who dare to challenge and commit such obnoxious acts with impunity.

I humbly decline the post of Prime Minister. My inner voice and conscience says that I should not accept it. — Mrs Sonia Gandhi, addressing the CPP meeting in the Central Hall of Parliament.

★
If there was a security threat, we would have closed our mother inside a room and told her not to go out. — Mr Rahul Gandhi, adding that Mrs Sonia Gandhi moved freely during election campaign despite security threats.

★
Privatisation was not part of our ideology. We believe India needs a strong private sector and it needs a strong public sector. If they (public sector) can't compete on equal footing with the private sector or become a drag on the exchequer, then by all means they will be allowed to

raise resources from market through disinvestment. — Dr Manmohan Singh.

★
If you behave this way, I am afraid we have to look for a different kind of leadership. — Miss Mamata Banerjee, disapproving of the conduct of some Trinamul leaders.

★
It's pointless to give up after one defeat, however shattering it might be. If the Congress can re-group itself, as the results show, we can reorganise ourselves. — Mr Subrata Mukherjee, Trinamul leader who was defeated in Kolkata North-West.

★
In the crony capitalist economies of Latin America, a regular feature is that stock markets fall

when there is a change in government. This is because all ill-gotten wealth of the ruling parties, which are on their way out, is taken out of the stock market. A similar thing seems to have happened here. — Mr Sitaram Yechury, CPI-M politburo member.

★
I have no regrets. We have done our best to serve the people in the last nine years. I am fully satisfied. — Mr N Chandrababu Naidu, former Andhra Pradesh chief minister, after the Telugu Desam's defeat in the Assembly poll.

★
I do not have any lust for power; what I am more concerned about is that Bihar must get justice. Along with the seven

sisters, Bihar must be given the opportunity to move on the path to progress. — Mr Laloo Prasad Yadav, after returning to Patna on being denied the Home portfolio.

★
My message to the CPA (Coalition Provisional Authority) is let my people go, let my people be free. We are grateful to President Bush for liberating Iraq but it is time for the Iraqi people to run their affairs. — Mr Ahmed Chalabi, Iraqi Governing Council member.

★
It's tough work after sovereignty is transferred because there will still be people trying to derail the election process. — Mr George W Bush, stating that Baghdad would remain dangerous and unstable even after transfer of political power.

on
RECORD

More brutal images stun Americans

PoWs were sodomised, force-fed pork and liquor, ridden like animals

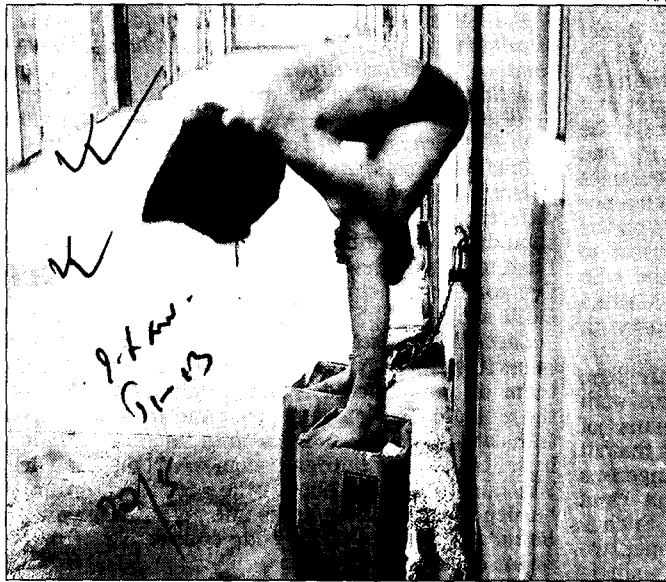
By Chidanand Rajghatta/TNN

Washington: Iraqi prisoners were forced to retrieve their food from the toilet, ridden like animals, and sexually assaulted, according to horrific new revelations published in the US media on Friday.

Prisoners have provided chilling testimony to US investigators about how they were force-fed pork and liquor, pressed to denounce Islam, and forced to masturbate in front of female soldiers. The abuses occurred during the holy month of Ramzân.

The disclosures, which go beyond what has already been revealed, come from a cache of new documents, photographs and video footage obtained by and published in the 'Washington Post'. Some of the images are so graphic and violent that the paper cautioned readers on its website.

One particularly grotesque account spoke of an army translator sexually assaulting a screaming young boy while it was documented by a female soldier taking pictures. In a separate instance, American sol-



One among the latest graphic photographs shows a hooded Iraqi detainee cuffed at the ankle and chained to a door handle, balancing between two boxes at the Abu Ghraib prison

diers sodomised a prisoner with a phosphoric light while another female soldier took pictures.

In a graphic account, one detainee told investigators that American soldiers who

sodomised and beat him began by holding him down and spreading his legs as one soldier prepared to open his pants. "I started screaming," he said.

A soldier stepped on his head,

he said, and someone broke a phosphoric light and spilled the chemicals on him. "I was glowing and they were laughing," he said. The detainee said the soldiers eventually brought him to a room and sodomised him with a nightstick. "They were taking pictures of me during all these instances," he told the investigators.

'The Post' chose to publish possibly the mildest of the pictures on page one, showing a US soldier restraining a military dog as it snarls a foot in front of a shirking Iraqi prisoner. A more graphic picture inside showed a naked Iraqi prisoner caked in mud or blood or excreta walking with his ankles cuffed.

The brutal accounts, which further undermine the reasons for US occupation of Iraq ostensibly to return the country to a civil rule —have horrified the American public. Support for Bush and his war on Iraq is now at an all-time low, and even lawmakers have now begun comparing the situation to Vietnam. Bush made a rare trip to Capitol Hill on Thursday to rally his Republican troops against a rising public sentiment against the war.

US soldier given one year for abusing PoWs

Baghdad: US prison guard Jeremy Sivits was sentenced to the maximum term of one year in jail on Wednesday after pleading guilty to charges over the abuse of Iraqi prisoners inside Abu Ghraib jail at a court martial.

A military policeman, the 24-year-old Sivits was given a bad conduct discharge and reduced from the rank of specialist to the lowest rank of private, which he will keep until he is discharged from the army after completing his jail sentence. Sivits admitted conspiracy to maltreatment of detainees and dereliction of duty around November 8 last year in the first trial over the scandal that has rocked the US-led forces and President George W. Bush's administration.

He admitted leading a detainee to a pile of inmates on the floor and then took a photograph of them while another guard, specialist Charles Graner, knelt on them and pretended to punch another in the head.

Sivits told the court that one of the six soldiers he was with claimed they were softening

up the detainees on behalf of military intelligence. He told the court he did not believe it.

"They had told me before they were asked to do this and keep doing what they were doing.

"They said they were told by military intelligence ... To keep doing what they were doing to the inmates because it was working, they were talking."

Sivits also admitted being involved in a conspiracy to pile inmates on top of each other in a pyramid but denied having taken any photos on that occasion. Earlier the arraignments began for the three soldiers charged with abusing prisoners at Abu Ghraib, and all three deferred entering pleas. Col Pohl heading the court-martial, set a new hearing in the cases for June 21.

Sgt. Javal Davis, 26, of Maryland, Spc Charles Graner Jr, of Uniontown, Pennsylvania and staff Sgt. Ivan I. Frederick of Buckingham, Virginia appeared in the courtroom at the Baghdad convention centre, located in the heavily guarded green zone. Agencies



A US soldier stands behind an Iraqi woman waiting for information outside Abu Ghraib prison in Iraq on Wednesday

Rumsfeld okayed prison torture, says US magazine

Agencies
Washington, May 16

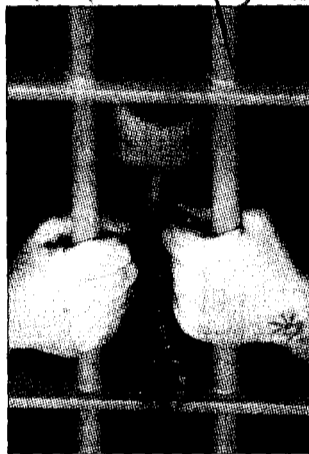
US DEFENCE Secretary Donald Rumsfeld approved a secret programme that encouraged interrogation methods used at Abu Ghraib prison, where Iraqi prisoners were abused, *The New Yorker* magazine said today.

Rumsfeld had approved "a highly secret operation" last year, which "encouraged physical coercion and the sexual humiliation of Iraqi prisoners in an effort to generate more intelligence about the growing insurgency in Iraq", investigative reporter Seymour Hersh wrote, citing current and former intelligence officials.

The Pentagon called the assertions "outlandish, conspiratorial, and filled with anonymous conjecture". It denied that Rumsfeld or any Pentagon official had sanctioned the interrogation programme.

Hersh said the clandestine defence department operation was known as a special-access programme (SAP). Its rules were "Grab whom you must. Do what you want", according to one former intelligence official. Hersh says Rumsfeld left the detailed planning to Pentagon intelligence chief Steve Cambone, but the programme was ultimately approved by Rumsfeld and the chairman of the Joint Chiefs of Staff, General Richard Myers.

The Defence Secretary's de-



An Iraqi prisoner at Abu Ghraib.

cision to import such techniques into Iraq, after their use in Afghanistan, was opposed by members of US intelligence organisations, the report said. "They said, 'No way. We signed up for the core programme in Afghanistan, pre-approved for operations against high-value terrorist targets, and now you want to use it for cab drivers, brothers-in-law, and people pulled off the streets'," a former intelligence official told Hersh.

The intelligence source said the CIA objected to the programme's use inside Abu Ghraib, where a scandal involving the mistreatment of Iraqis has sparked Democratic calls for Rumsfeld's resignation.

■ Related reports on Page 13

American beheaded in tit-for-tat action

Baghdad: An American civilian who was beheaded in a grisly video posted on an Al-Qaida-linked website had been warned to leave Iraq but he refused, the US officials said on Wednesday.

The masked men who butchered him claimed that they were angered by coalition abuses of Iraqi prisoners. The American captive identified himself as Nick Berg (26), of West Chester, Pennsylvania. His body was found near a highway in Baghdad on Saturday, the same day he was beheaded, a US official said.

After pushing Berg to the floor, the men severed his head and held it up for the camera on the video posted on Tuesday. It bore the title "Abu Musab al-Zarqawi shown slaughtering an American," referring to an associate of Osama bin Laden, believed to be behind a wave of suicide bombings in Iraq. It was unclear whether al-Zarqawi was shown in the video or simply ordered the execution. Al-Zarqawi also is sought in the assassination of a US diplomat in Jordan in 2002.

The Al Qaida affiliate



This video still, obtained from an Islamist website on Tuesday, shows five hooded gunmen standing behind the US businessman Nick Berg before he was beheaded

group said it was ready to take on Pakistani soldiers on the borders with Afghanistan. The men sent a warning to US President George W. Bush saying the death of the civilian was to avenge the abuse of Iraqi prisoners by US soldiers.

Al-Zarqawi sent another message to Pakistan President Pervez Musharraf.

"Another message to the agent traitor Pervez Mushar-

raf, we tell you that we are eager to meet your soldiers. By God, we seek them before the Americans and we will avenge the blood of our brothers in Wana and others," the masked man said.

The Pakistani government gave foreign militants until Tuesday to turn themselves in, saying they would be allowed to stay in Pakistan if they live peacefully, but none had yet come forward. AP

Afghan gives graphic account of US abuse

Abul (Afghanistan): A former Afghan police colonel gave a graphic account in an interview this week of being subjected to beating, kicking, sleep deprivation, taunts and sexual abuse during about 40 days he spent in American custody in Afghanistan last summer. He also said he had been repeatedly photographed, often while naked.

"I swear to God, those photos shown on television of the prison in Iraq those things happened to me as well," the former officer, Sayed Nabi Siddiqui, 47, said in the interview on Sunday at his home in the village of Sheikho, on the edge of the eastern town of Gardez.

His account could not be independently verified, but members of the Afghan Independent Human Rights Commission accompanied a reporter during the interview and said his story matched the one given to them last fall, shortly after his release and long before the abuse at the Abu Ghraib near Baghdad came to light. The commission, which was set up by the transitional



Sayed Nabi Siddiqui, at his home in Sheikho village, describes the mistreatment he suffered while in US custody for 40 days last year

government of President Hamid Karzai in 2002, and receives money from the United States Congress and other foreign donors, has in recent months received 44 complaints against various actions by American forces. NYT News Service

Torture, Inc.

Abusing an already abused people

The idea that Iraq was invaded in order to free it from Saddam Hussein's tyranny has been dented already by reports of American troops periodically opening fire on unarmed civilians, as well as by the administrative ineptness of the coalition's governing authority. The proverbial last straw may be images of sadistic torture of Iraqi POWs by US military intelligence that have been broadcast by an American TV network. The irony is not going to be lost on an Iraqi and Arab audience that these are photos taken inside Abu Ghraib prison, a place outside Baghdad which used to be synonymous with torture and executions during Saddam Hussein's rule. As if not to be outdone, a British newspaper has also published photos of British soldiers beating with rifle butts and urinating on a shackled and hooded Iraqi prisoner. We have it from Prime Minister Tony Blair that "we went to Iraq to get rid of that type of thing, not to do it." It is, however, too late for such recriminations. Those images exist and will inflame the Iraqi resistance; they will also reverberate through the Arab world where they will, in all probability, draw thousands of new Al Qaeda recruits.

The abuse has been exposed by fellow soldiers and by US and British media, that raises more questions than it answers. Is it a one-off whose perpetrators will be taken to task, as the Pentagon is saying about the Abu Ghraib abuses, or are these only the cases for which photographic evidence exists and which have subsequently come to light? A 53 page US army report reveals "sadistic, blatant and wanton criminal abuses" as part of the softening up process before interrogation at the Abu Ghraib, which has led to at least one death. Amnesty International says it is not surprised at the photos, since its own investigations revealed torture at Abu Ghraib and other prisons operated by coalition authorities. Most chilling is the involvement of private security contractors in the running of coalition prisons and in interrogation procedures, a fact that finds mention in the US army report. If one puts that together with the public abuse and mutilation visited on the bodies of four American security contractors killed in Fallujah, one might get a sense of why these characters arouse such public loathing.

10-10
01-04

THE HORRORS OF THE OCCUPATION

THE PHOTOGRAPHS THAT show American soldiers inflicting torture and sexual abuse on Iraqi Prisoners of War offer a peek into the brutal record set by the forces in neo-colonial occupation of this West Asian country. Inmates of the Abu Ghraib prison outside Baghdad were stripped naked and piled in a human pyramid, forced to simulate sex with one another, attacked by dogs, and wired to receive electric shocks. Personnel of the military police contingent assigned to guard these prisoners added insult to injury by taking photographs that have now been telecast across the world. While the high command of the United States military ordered an investigation and promised to punish the guilty, it appears intent on establishing that the guilt for these barbaric acts devolves upon a few perverted soldiers in the lower ranks. This will amount to an obfuscation since lawyers for the soldiers have asserted that their clients were instructed by officers of military intelligence units to deal with the prisoners in an inhumane manner. The troops were apparently indoctrinated to believe that they must cast aside the restraints of morality and common decency as they went about the task of subjugating Iraqis. The Abu Ghraib episode was not the only occasion of the American military violating international conventions; its soldiers have been just as vicious during combat operations.

Information about the ruthless methods adopted by the occupation forces has trickled out notwithstanding the strenuous efforts of the Coalition Provisional Authority to control the news flow. Hospitals, schools and private residences were attacked in the course of operations against the Iraqi national resistance. Aerial bombardment has been liberally resorted to and heavy armour sent into civilian neighbour-

hoods. In Fallujah, U.S. marine snipers targeted ambulances and those who were clearly non-combatants, including the elderly, women and children. Soldiers from contingents sent by other countries, such as the United Kingdom, are also known to have acted in an equally inhumane fashion on many occasions. The totality of the damage caused to Iraqi civilians might never be known since the relevant data, including casualty rates, have not been tabulated. The information currently available provides only a faint indication of the calamitous effects of the invasion and occupation.

In hiring civilians to carry out dirty work, such as the interrogation of prisoners, the occupation forces have found a way to bypass international law. The civilians accused of involvement in the atrocities committed in Abu Ghraib, including one who is alleged to have raped an Iraqi teenager, are likely to get away with their crimes. An occupation force that speedily instituted a tribunal to try Iraq's deposed President Saddam Hussein now claims it has no jurisdiction over the civilian firms that have been contracted to carry out many of the operations traditionally reserved for the military. The personnel of firms engaged to protect supply convoys and important installations have fought against the Iraqi resistance and it is very likely that some of them have committed excesses. With the occupation authority declining to prosecute any civilian, these mercenaries have reason to believe that they are immune from punishment. Such being the context, New Delhi must immediately stop the recruitment of retired personnel of the Indian defence forces for service in Iraq. India must not be seen to have any truck with an unjust and cruel occupation. Such an association will damage India's relations with the Arab world and bring dishonour to the people of this country.

THE HINDU

MAY 2004

Iraq horrors in US army report

Unveiled: sodomy, beatings

Washington, May 2 (Reuters): Iraqi prisoners faced numerous "sadistic, blatant and wanton criminal abuses" by US soldiers, including sodomy and beatings, according to a US army report quoted by the *New Yorker* magazine.

The *New Yorker* said it had obtained a 53-page, internal US military report into alleged abuses at the notorious Abu Ghraib prison outside Baghdad. In an article posted on its website yesterday, the magazine said the report had been authorised by Lt Gen Ricardo Sanchez, the top US officer in Iraq, and was completed in February.

The May 10 issue of the magazine goes on sale tomorrow.

The army report listed abuses such as "breaking chemical lights and pouring the phosphoric liquid on detainees; ... beating detainees with a broom handle and a chair; threatening male detainees with rape; allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell; sodomising a detainee with a chemical light and perhaps a broom stick".

Written by Maj-Gen. Antonio Taguba, the report said evidence included "detailed witness statements and the discovery of extremely graphic photographic evidence."

Pentagon spokesperson Bryan Whitman declined to comment on the article, but said, "We take all reports of detainee abuse seriously and all allegations are thoroughly investigated."

He said that when incidents of abuse came to light earlier this year, the army immediately ordered an investigation, and Sanchez ordered a separate probe to ensure such incidents were not widespread in the military detention system in Iraq.

The deputy commander of the US army's intelligence force is heading an investigation into interrogation practices at the Iraqi prison, *The Washington Post* reported in its Sunday edition.

News of the military report



American soldiers stand behind a pyramid of naked Iraqi prisoners at the Abu Ghraib prison near Baghdad. (AP)

came days after photographs showing abuse of Iraqi prisoners by US troops were published and broadcast around the globe.

The photos showed US troops smiling, posing, laughing or giving the thumbs-up sign as naked, male Iraqi prisoners were stacked in a pyramid or positioned to simulate sex acts with one another.

President George W. Bush said on Friday he was deeply disgusted but only a "few people" were to blame. He defended the conduct of the occupation forces as the White House tried to head off a backlash in Iraq and across the Arab world.

British newspaper the *Daily Mirror* also published pictures

that it said showed British soldiers apparently urinating on a shackled Iraqi prisoner of war. Prime Minister Tony Blair said yesterday that abuse of Iraqi prisoners was "completely and totally unacceptable."

Foreign secretary Jack Straw said today a high level investigation was underway, but sources close to the regiment concerned raised doubts over the authenticity of the images.

But the BBC later quoted sources close to the regiment as saying aspects of the photographs did not ring true. They said the type of rifle and floppy hats pictured were not used by troops in Iraq, and the type of truck shown in the background

had not been deployed there.

The *Mirror* said it obtained the photographs from two unidentified soldiers in the Queen's Lancashire Regiment.

US officials said on Thursday that the military was weighing disciplinary action against Brig. Gen. Janis Karpinski, who was in charge of the Abu Ghraib prison, a centre of torture and executions under toppled President Saddam Hussein's government.

Karpinski told *The New York Times* yesterday she was "sickened" by the pictures and suspected those involved acted with the encouragement of intelligence units that ran the high-security cellblock where the abuses took place.

Ex-Saddam aide not in charge of Falluja

Washington, May 2 (Reuters): Gen. Jasim Mohamed Saleh, a former general in Saddam Hussein's elite Republican Guard, is unlikely to take charge in the volatile Iraqi city of Falluja and is still being vetted to lead a possible Iraqi peacekeeping force, the senior US military commander said today.

"There's another general they're looking at," Gen. Richard B. Myers told ABC's *This Week*. "My guess is, it will not be Gen. Saleh. ... He will not be their leader ... He may have a role to play, but that vetting has yet to take place," the chairman of the US Joint Chiefs of Staff added.

At the Marines camp outside Falluja, Lt Gen. James Conway said another former senior Iraqi officer, Mohamed Latif, was also working with the Marines in a "mentoring" capacity and was being considered as a possible commander for the overall brigade, once it was established.

Nine US servicemen were killed in Iraq today — six of them in a mortar attack. But US commanders also announced civilian Thomas Hamill had escaped after being held hostage for three weeks by gunmen.

Three Italian civilians and a US soldier remain hostages. No new kidnappings have been reported for nearly two weeks.

After April became the bloodiest month for US troops in Iraq with 129 combat deaths, American commanders were able to report good news when Hamill, a trucker, ran into the arms of a US patrol close to Saddam Hussein's home town of Tikrit.

"He had an opportunity to escape, saw some US forces and made his dash," Myers said.

Hamill's wife Kellie said: "I feel wonderful. It's the best feeling I've had. I am so ecstatic and I just want to thank everybody that has prayed and sent their prayers to us."

Film of Hamill free may help offset the latest bad news photographs from Iraq — US soldiers abusing prisoners at a Baghdad jail — that has outraged opinion in the Arab world.

Quattrocchi case: India's appeal dismissed

By P. S. Suryanarayana

SINGAPORE, MARCH 31.

Malaysia's Federal Court today dismissed the latest appeal in the case relating to India's efforts, futile so far, to secure the extradition of Ottavio Quattrocchi, an Italian businessman wanted in connection with the Bofors payoff investigations and trial.

The Malaysian Government, acting on behalf of India, filed the petition, seeking a remedy against the ruling by the Court of Appeal that there indeed "is no right of appeal" against the High Court's confirmation of Mr. Quattrocchi's "right to liberty".

Mr. Quattrocchi, resident in Malaysia for several years, left the country soon after the High Court dismissed, in December 2002, the "review petition" in the case.

What was then sought was a "review" of the Session Court's order that discharged the Italian businessman on the ground that he was not a

fugitive criminal under the terms of Malaysia's Extradition Act of 1992.

The Federal Court in Kuala Lumpur heard arguments on the latest appeal-petition in December 2003.

The three-judge bench of the Court, in its judgment delivered today, held that "no appeal lies to this court." No ruling was, therefore, made on the issues. The crux of the case rested on the High Court's ruling that India's "failure to supply the court and the respondent [Mr. Quattrocchi] with the charges [against him] is fatal".

A copy of the 61-page judgment, faxed to *The Hindu* office here by Mr. Quattrocchi's counsel, Muhammad Shafee Abdullah, showed that the Federal Court dismissed the latest appeal with costs. Mr. Shafee said, in a telephonic conversation from Kuala Lumpur, that the awarding of costs was "a rare occurrence in a criminal case" in Malaysia.

The latest appeal was the

"last avenue" open to those seeking the extradition of Mr. Quattrocchi, who was not yet back in Malaysia, Mr. Shafee maintained. The ruling on costs showed, too, that there was "no merit in the case," counsel claimed.

Confirming that the Federal Court had dismissed the appeal, sources in the camp pleading for the Italian's extradition, declined to discuss specifics.

According to Malaysian legal sources, the latest development might still leave India with some elbow room to consider filing a fresh requisition for Mr. Quattrocchi's extradition, if deemed necessary. The present case centred on the technicality that no [formal] charges had been framed" against him by the Indian authorities.

Moreover, the Malaysian courts had not made a determination on the merits of the case, which was indeed decided on "jurisdictional grounds," the sources said.

CONVICTED MEXICANS' RIGHTS VIOLATED, RULES ICJ World Court raps USA

Associated Press

THE HAGUE, March 31. — The International Court of Justice today ruled that the USA violated the rights of 51 Mexicans on death row and ordered their cases be reviewed.

The UN's highest judiciary, also known as the World Court, was considering a suit filed by Mexico claiming 52 convicted murderers weren't given their right to assistance from their government.

"The USA should provide by means of its own choosing meaningful review of the conviction and sentence (of the Mexicans)," presiding judge Shi Jiuyong said. The judge said the review, in all but three cases, could be carried out under the normal appeals process in the USA.

For the three men who have already exhausted all other appeals, the court said the USA should make an exception and review their cases one last time. The court found that in the remaining case, the convict had received his rights and his case didn't need to be reviewed.

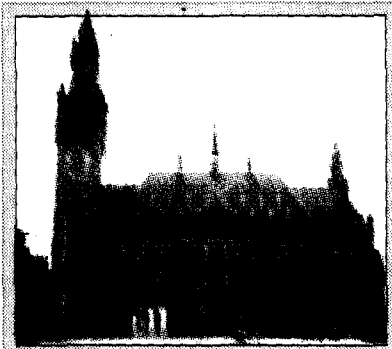
Under the court's statute, its judgments are "binding, final and without appeal". Its rulings have rarely been ignored, and if one side claims the other has failed to carry out the court's decision, it may take the issue to the UN Security Council.

At the heart of the Mexico-USA case is the 1963 Vienna Convention, which guarantees people accused of a serious crime while in a foreign country the right to contact their own government for help and that they be informed of that right by

arresting authorities.

The world court is charged with resolving disputes between nations and has jurisdiction over the treaty. It found that US authorities hadn't properly informed the 51 men of their rights when they realised they were foreigners.

The US ambassador to the Ne-



The International Court of Justice.

At the heart of the case is the 1963 Vienna Convention, which guarantees people accused of a serious crime while in a foreign country the right to contact their own government for help and that they be informed of that right

therlands, Mr Clifford Sobel, said he was pleased by parts of the decision. Mexico was preparing a reaction.

In hearings in December, lawyers for Mexico argued that any US citizen accused of a serious crime abroad would want his Vienna Convention rights. They said the only fair solution for the men allegedly denied diplo-

matic help was to start their legal processes all over again.

Mr Juan Manuel Gomez said Mexico "doesn't contest the USA's right as a sovereign country to impose the death penalty for the most grave crimes", but wants to make sure its citizens aren't abused by a foreign legal system they don't always understand.

The USA had argued the case was a sovereignty issue, and the 15-judge tribunal should be wary of allowing itself to be used as a criminal appeals court, which is not its mandate.

US lawyer Mr William Taft said the convicts had received fair trials. He said even if they didn't get consular help, the way to remedy the wrong "must be left to the USA". He added that Mexico's request would be a "radical intrusion" into the US justice system.

The three men whose cases the court ordered specially reviewed were Cesar Fierro and Roberto Ramos, both in prison in Texas, and Osbaldo Aguilera Torres, in Oklahoma.

Fierro was 22 years old when he was convicted of the 27 February 1979 shooting death of an El Paso taxi driver, Nicolas Castanon. Despite a ruling in a Texas appeals court that his confession was probably coerced, he was not granted a retrial.

Ramos was sentenced to death in February 1992 for killing his wife Leticia and his two youngest children, Abigail (8) and Jonathan (3) with a hammer.

Torres was convicted for the 12 July 1993 slayings of Francisco Morales and Maria Yanez during a burglary in Oklahoma City.

Israel's security wall faces World Court scrutiny

International Law

Reuters
The Hague, February 23

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THE PALESTINIANS told the opening session on Monday of World Court hearings into the legality of Israel's West Bank barrier that the vast network of walls and fences would deny them a viable independent state.

Israel stayed away from the proceedings it regards as political but encouraged "anti-terror" protests outside the court and cited a suicide bombing that killed eight on a Jerusalem bus on Sunday as proof the wall is necessary.

Palestinians in the West Bank and Gaza Strip declared a "Day of Rage" against the project that has separated them from their fields, schools and medical services. Israeli troops fired tear gas at some 2,500 protesters near the West Bank city of Tulkarm.

"This wall, if completed, will leave the Palestinian people with only half of the West Bank within isolated, non-contiguous, walled enclaves," Nasser al-Kidwa, the Palestinians' permanent observer to the United Nations, told a 15-judge panel. The UN tribunal will hold three days of hearings on the legality of building a barrier, which the Palestinians call a "landgrab", in occupied territory.

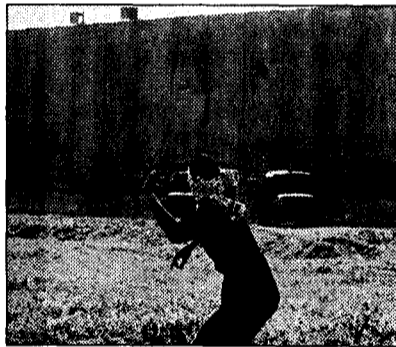
At stake is not only an international ruling but world opinion in a case that underlines the paralysis of West Asian peacemaking after more than three years of violence.

President Yasser Arafat, in a speech on Palestinian TV, said there could be no peace and security with the barrier in place. "The objective of erecting this wall is to prevent our people from establishing their independent Palestinian state," Arafat said.

Outside the baroque Peace Palace



Israel's controversial 8-metre-high barrier has evoked strong sentiments among Jews and Palestinians alike. A group of Orthodox Jews (above) protest against the wall in front of the World Court at The Hague on Monday, while a Palestinian boy uses a sling shot to hurl stones at Israeli soldiers in Qalqilya on Monday.



where the case was being heard, about 150 pro-Israeli protesters held placards with slogans such as "Stop terrorism, start negotiation" and "When terrorism stops the fence falls."

The skeleton of a Jerusalem bus, in which a Palestinian suicide bomber killed 11 people last month, was unloaded for display 100 yards from the court.

Pro-Palestinian protests at the site were also scheduled. "This is a fight for hearts and minds that goes beyond dry legal arguments," a member of the Palestinian delegation said.

The commuter bus blown up in Sunday's attack was placed by Israeli authorities next to a section of the barrier in Abu Dis, the West Bank hometown of Palestinian PM Ahmed Korei. Curious Palestinians peered into the wreckage, while in Jerusalem, the Al-Aqsa Martyrs' Brigade, the armed unit of Arafat's Fatah movement, claimed responsibility for the attack.

The hearings stem from a Palestinian request — backed by the UN General Assembly — to decide whether Israel is legally obliged to tear down its partially built barrier. About 180 km of the planned 730 km construction has been erected so far.

Kidwa said in his argument in court that he hoped its non-binding ruling could pave the way for international sanctions against Israel. Its 1971 opinion that South Africa's occupation of Namibia was illegal generated UN sanctions.

A dozen countries, including Saudi Arabia, Jordan, Algeria and Cuba, were due to present oral arguments in support of the Palestinian position. The Arab League also threw its weight behind the Palestinian bid on Monday.

The United States, Britain, the European Union, and many Western countries have criticised the route of the barrier but joined Israel in shunning the hearings. They oppose the court's involvement, saying it may interfere with peacemaking. A decision by the court could take several months.

THE HINDUSTAN TIMES

24 FEB 2004

SATURDAY, FEBRUARY 7, 2004

BRINGING ABU SALEM HOME

WHEN ABU SALEM was arrested in Lisbon in September 2002, the excitement in India about his detention was tempered by doubts about whether he would be sent home and to justice. There were a few reasons for the palpable undercurrent of pessimism. The Sharjah police arrested Salem in 2001 but let him off, ostensibly because India was unable to furnish the details needed to establish his identity in the required time. Since there was no extradition treaty with Portugal, it was feared that the complex legal processes involved in getting Salem home would be much too time-consuming and possibly even unproductive. New Delhi's experience in other extradition cases had also been less than happy. For instance, the earnest attempt to extradite Nadeem Saifee, who was sought in connection with the killing of audio-cassette magnate Gulshan Kumar, came totally unstuck after a London court prevented the move. Given such a background, the Portuguese High Court's decision to extradite Abu Salem, the mafia don and one of the main accused in the 1993 Mumbai serial bomb blasts case, is something that the Central Bureau of Investigation may regard as a significant victory.

Salem has the right to appeal against the extradition order before the Portuguese Supreme Court, but the CBI has good reason to feel confident that this will not be reversed. The High Court's decision has come after a dogged 16-month legal battle in which the CBI laid bare the various criminal cases in which Salem is wanted. It was not enough for the CBI to merely establish Salem's identity; it had to convince the court that he would receive a fair trial and that it would not press for capital punishment if Salem were found guilty. European Union con-

ventions do not allow people to be deported to countries where they could be sentenced to death. To get around this, the Union Home Ministry had furnished a written undertaking assuring the Portuguese Government that Salem would be spared from capital punishment — a guarantee it had to offer in order to retain the extradition option.

A former associate of mafia don Dawood Ibrahim, Salem fled India in 1993 after which he has lived in Pakistan and West Asia. He continued to wield influence in India, particularly on Mumbai's film industry, which he tried to control through threats, violence and extortion. The murder of an assistant of a film actress three years ago was attributed to his gang and there is evidence to the effect that he coerced film producers to sell overseas rights to his front companies. India had hoped that extraditions and deportations of terrorists would become easier post-September 11, when United Nations resolutions were passed asking nations to deny safe havens to those accused of committing terrorist acts and to smoothen out and speed up extradition procedures. Since then, however, there have been only three or four extraditions of terrorists, the most prominent of them being Aftab Ansari, the man who is said to have organised the attack on the American Center in Kolkata. As one of India's most wanted men, Abu Salem will be the biggest 'catch' of his kind if successfully extradited. After the Lisbon police arrested Salem, along with his companion Monica Bedi, for travelling with fake documents, New Delhi had hoped that Portugal could be persuaded to deport him, thereby avoiding the uncertainties and complexities of the extradition process. As it turned out, this process has reached the final stage much quicker than anticipated.

THE HINDU . . . FEB 7 2004

Portuguese Court orders extradition of Abu Salem

By Vinay Kumar

NEW DELHI, FEB. 5. In a major legal victory for the Central Bureau of Investigation, the Portuguese High Court has ordered the extradition of Abu Salem, prime accused in the 1993 Mumbai serial blasts case.

Official sources said that the Portuguese High Court had pronounced the order on Wednesday and it had since been conveyed to the CBI. Abu Salem still has the right of appeal against the High Court order before the Portuguese Supreme Court.

The green signal from the Lisbon High Court has come after a protracted legal battle in the past 16 months.

Abu Salem is wanted in a total of nine cases, two of which pertain to the CBI, three to the Mumbai Police and four to the Delhi Police. The extradition request, sent by the CBI through diplomatic channels, provided the details of all the nine cases. The voluminous papers were examined by the Portuguese Attorney-General and the Ministry of Justice, Lisbon, and were later sent to the High Court for a judicial verdict.

The extradition request was hotly contested by Abu Salem, who engaged legal experts from the United Kingdom to fight his case. He had also expressed "fears" that he would not be able to get justice in India on the ground that he was a Muslim. The CBI had sent a detailed rejoinder to this.

Abu Salem, once a close associate of Dawood Ibrahim and his brother, Anees Ibrahim, was accused of criminal conspiracy and charged with distributing arms and explosives that were used later in the 1993 Mumbai serial blasts that killed about 300 people and injured about 700. He obtained a fake passport in the name of Akeel Ahmed Azmi and fled India. He is also said to have got passports from Bhopal and Hyderabad. Later declared a proclaimed offender, Salem also had an Interpol Red Corner alert notice against him.

Along with his companion and Bollywood starlet, Monica Bedi, Abu Salem was arrested in Lisbon on September 18, 2002, for travelling on fake travel documents. His identity was confirmed by the CBI on the basis of his fingerprints.

THE HINDU

6 FEB 2004

DON TO MOVE PORTUGAL SUPREME COURT

HC clears Abu extradition

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Statesman News Service

NEW DELHI, Feb. 5. — Abu Salem is closer home. Lisbon's High Court has accepted an Indian request to extradite the 1993 Mumbai serial blast accused to stand trial in nine of the 70-odd crimes that he has been accused of committing in this country.

But Salem's lawyer in Lisbon has declared that he would appeal against the verdict in Portugal's Supreme Court. A CBI officer here said the Supreme Court would be the last door that Salem would be able to knock in Lisbon before a seal of finality is put on his extradition.

"For all practical purposes, he is as good as here," the officer said, pointing that Salem is unlikely to come up with a convincing reason to persuade the Supreme Court to turn down the HC decision. The Supreme Court had last year cleared Salem's girl-

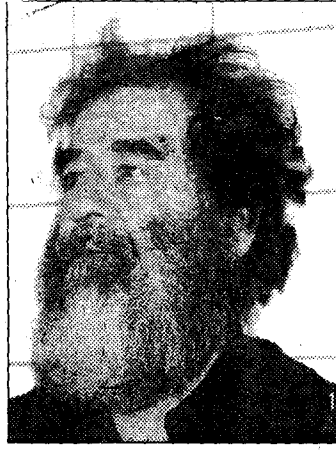


friend Monica Bedi's extradition, overruling an HC decision to reject the government's extradition request.

Salem is alleged to be involved in over 70 cases, most of them in Mumbai, but under extradition law, he'll have to stand trial only in cases where his extradition was sought. Delhi has sought Salem's extradition in nine cases investigated by Delhi Police, Mumbai Police and CBI — including the 1993 blasts that killed 257 people and destroyed property worth Rs 30 crore.

The High Court verdict was announced yesterday, almost two months after the court reserved its judgment last year.

A foreign ministry spokesman thanked Portugal "for its excellent cooperation" and praised the Portuguese judicial process.



সাদ্দামকে ‘যুদ্ধবন্দী’

ঘোষণা

ওয়াশিংটন, ১০ জানুয়ারি (পি টি আই, এ পি, এ এফ পি)— আমেরিকা অবশেষে সাদ্দামকে ‘যুদ্ধবন্দী’ বলে ঘোষণা করল। ইঙ্গিত মিলেছে, আগামী জুন নাগাদ সাদ্দামের বিচার শুরু হবে। মার্কিন বিদেশ সচিব কলিন পাওয়েল জানিয়েছেন, ইরাকি আদালতেই বিচার হবে। আন্তর্জাতিক আদালতে সাদ্দামকে তোলার কোনও প্রশ্নই নেই। তবে আন্তর্জাতিক পর্যবেক্ষকদের আমন্ত্রণ জানানো হবে এবং তাঁদের সামনেই বিচার হবে। জুনের মধ্যেই সাদ্দাম হুসেনকে কি ইরাকে নিয়ে যাওয়া হবে? এই প্রশ্নের জবাব এড়িয়ে গেছেন বৃশ প্রশাসনের বড়কর্তারা। কারণ, জুলাই নাগাদ ইরাকি প্রশাসনের হাতে সব দায়িত্ব ছেড়ে দিতে চাইছে আমেরিকা। পাওয়েল জানিয়েছেন, সাদ্দামকে এখন থেকে যুদ্ধবন্দী হিসেবেই দেখা হবে। জেনিভা কনভেনশন অনুযায়ী যুদ্ধবন্দীরা যে সব সুযোগসুবিধে পায়, তিনিও তাই পাবেন। তাঁর সঙ্গে যাতে কোনও দুর্ব্যবহার না হয়, সেটাও দেখা হচ্ছে। এদিকে, যুদ্ধবন্দী বলে ঘোষণার পরই আন্তর্জাতিক রেডক্রসের প্রতিনিধিরা সাদ্দামের সঙ্গে দেখা করতে চেয়েছেন। এতদিন কাউকে দেখা করার অনুমতি না দিলেও জেনিভা চুক্তি অনুসারে আন্তর্জাতিক রেডক্রসকে আমেরিকা এবার তা দিতে বাধ্য। পেন্টাগনের মুখপাত্র লরেন্স ভিরিটা সাংবাদিকদের বলেন, ‘প্রতিরক্ষা সচিব রামসফেল্ডকে সব কিছু জানানো হয়েছে। পরিস্থিতির চাপে দরকার হলে যুদ্ধবন্দীর মর্যাদা প্রত্যাহার করতেও আইনগত বাধ্য যে নেই, সেটাও তিনি জানিয়ে দিয়েছেন। পাওয়েল জানান, ইরাকের শাসন পরিষদ সাদ্দামের বিচার নিয়ে চিন্তাভাবনা করছে। ওঁরা বিশেষজ্ঞদের সাহায্য নিচ্ছেন যাতে ঠিকমতো চার্জ-গঠন করা যায়। এদিকে, মার্কিন সেনাদের গুলিতে উত্তর ইরাকের কিরকুকে দুজন ইরাকি পুলিশকর্মী মারা গেছেন বলে জানা গেছে। কিরকুকের পুলিশ প্রধান জেনারেল তারহান ইউসেফ বলেছেন, মার্কিনরা তদন্ত চালানোর সময় ভুল করে এঁদের ওপর গুলি চালায়।

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Guantanamo Bay: Britain close to a deal with U.S.

By Hasan Suroor

LONDON, JAN 9. Britain and America were today reported to be close to a deal which would allow most of the British detainees at Guantanamo Bay to be returned home soon. This was indicated by the U.S. Ambassador at large for war crimes, Pierre Prosper, during a visit to London.

Details of the terms under which seven of the nine Britons, held at the notorious detention centre in Cuba on suspicion of terrorism, are likely to be released were not disclosed but the breakthrough was attributed to a 'softening' of the U.S. stand following widespread outrage over their continued detention without being charged or allowed access to their lawyers.

Mr. Prosper indicated that the U.S. was willing to drop its insistence that the released prisoners should be put on trial in Britain or be detained indefinitely. It would be satisfied so long as the British Government was able to 'manage' them through constant surveillance or monitoring. "We are not asking for absolutes. We are not asking for a guaranteed conviction...But we are saying: these are dangerous people, they are engaged in dangerous activities," he said.

Mr. Prosper's remarks were seen as a major concession which would remove the main obstacle to an agreement. During protracted negotiations, the British Government refused to guarantee that the released men would be put on

trial or prosecuted. It made clear that under the British legal system, the Crown Prosecution Service could not be ordered to take up cases, and courts had powers to throw out cases on grounds of human rights.

Indicating the 'softened' U.S. line, Mr. Prosper said that the key consideration in repatriating the suspects to their country of origin was whether that country would be able to 'manage' the threat posed by them. "We're satisfied that the British Government has the political will to do what it can to manage the threat," he said.

If the deal goes through, the first of the detainees could be back home within 'weeks,' but it will not apply to two of the most high-profile prisoners: Moazzam Begg and Feroze Abbasi whom Americans regard as "high-risk" cases. Their families maintain they are innocent. Moazzam Beg's father Azmat Begg said: "It shocks me that we are about to see the second anniversary of the Guantanamo Bay and still I do not know what is going to happen to my son."

The Amnesty International, in a letter to the Prime Minister, Tony Blair, called Guantanamo Bay a "legal blackhole" and a 'disgrace'. "With some of the Guantanamo Bay prisoners about to enter their third year of captivity without access to lawyers, and without charge or trial, the need for urgent moves to end this travesty of justice could not be clearer," said Kate Allen, Amnesty's U.K. director.

Pak invites Advani for extradition talks

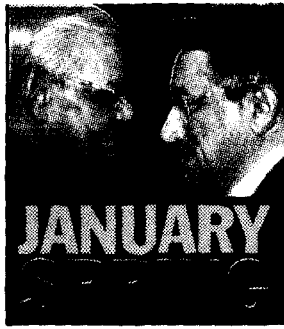
ZIA IQBAL SHAHID
BRUSSELS, JANUARY 8

PAKISTANI Interior Minister Faisal Saleh Hayat has invited Indian Deputy Prime Minister L K Advani to visit Pakistan for a structured dialogue on the modalities of a bilateral extradition treaty and other priority issues related to the internal security of both the countries.

In a telephonic interview from his Lahore residence on Wednesday, Hayat told this correspondent in Brussels that he was extending the invitation to Advani through the media and would send the same to him formally

through the diplomatic channel.

"The ice in relations of India and Pakistan has melted and I would like Advani to visit Pakistan to discuss the areas related to the internal security of both the countries," said Hayat.



The minister declared that Pakistan was willing to conclude a bilateral extradition treaty with India. "We are certainly prepared to go ahead in discussing the modalities of a bilateral extradition treaty with India as we want to discuss all those issues which could obviate mistrust in both the countries," he said,

CONTINUED ON PAGE 2

8 months, 3 ceasefire offers that went into it

AMY WALDMAN
ISLAMABAD, JANUARY 8

PAKISTAN'S decision to end state support for Islamic militants in Kashmir—a condition for India's agreeing to talks on Kashmir and other issues—was reached after eight months of secret negotiations and essentially cemented with the attack on Pakistani President General Pervez Musharraf on December 25, officials here say.

Meetings between senior Indian and Pakistani officials began soon

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Hayat invites Advani to Pak for talks on extradition

adding that they would also like to discuss the issue of an extradition treaty at the SAARC level.

In response to a question, he said he was not aware of the list of so-called terrorists received from India. "Without a legal framework in the form of an extradition treaty nothing can be done on this issue," he said, adding, "We also have some needs and we can also make a list of terrorists who are needed to be extradited from India, but we are not doing that as we believe that everything should be done on reciprocal basis within a legal framework."

The minister said: "Internal security is a wide area and we want to discuss all such issues which could be in the best interest of the people of both the countries." Asked to enumerate the priority areas related to internal security, which he would like to discuss with Advani, Hayat said: "We should discuss several areas which could remove mistrust in both the countries, following a step-by-step approach. Cooperation in the war against terror can be an area which should be extensively discussed between both the countries as Pakistan has been a victim of terrorism since long."

He also mentioned a possible campaign against money-laundering which, according to him, needed discussions between the two coun-

Musharraf meets PoK leaders

■ ISLAMABAD: In an attempt to allay fears of any compromise on Kashmir, Pakistan President Pervez Musharraf met PoK leaders on Thursday and assured them that the aspirations of the Kashmiris would be kept in mind while working out any agreement with India on the issue.

tries. "We want to make progress in the overall composite dialogue and the process would include many positive steps to the benefit of the people of both the countries," he said.

"Another problem faced by the people of both the countries is related to visa facilitation, which I would like to discuss with Advani," Hayat said, adding, "We need to look into the visa regime as it is causing lots of difficulty for people." The minister adhered to the trend set by President Pervez Musharraf and did not touch any issue which could be reckoned as an "issue of divergence". He said: "I do not want to vitiate the environment for dialogue created with lots of efforts, but I may mention that we do have some misgivings on the role being played by Indian consulates in Afghanistan and we would certainly like to discuss the issue with Advani." — *The News*