

of religion. The trial court found that although Pepper's rights to practice and exercise her religion and to use and enjoy her property for religious purposes are protected by the Ohio and U.S. Constitutions, these rights are not absolute and may be reasonably regulated. The Court found that the FCO are not an unconstitutional exercise of police power. The appellate court similarly upheld the "minimal requirements" imposed on churches by the FCO.

Sources: City of Fairfield v. Pepper, 1999 WL 699867 (Ohio App. Sept. 9, 1999).

YOUNGSTOWN, OHIO—6/30/99

Beatitude House is a nonprofit corporation operated by Ursuline nuns who run job training and transitional housing programs for homeless and abused women. When Beatitude House tried to turn an old convent into transitional housing for four homeless women, the Youngstown zoning board denied the permit. The nuns appealed on the grounds that the proposed use of the former convent is an accessory use, but the appellate court held in favor of the zoning board and stated that the Zoning Ordinance does not unconstitutionally suppress the appellees' free exercise of religion.

Sources: Henley v. City of Youngstown Board of Zoning Appeals, 1999 WL 476087 (No. 97 CA 249) (Ohio App. June 30, 1999).

This list of Recent Land-Use Cases was compiled for the Congressional Record by the Center for Law and Religious Freedom, A Division of Christian Legal Society, 4208 Evergreen Lane, Suite 222, Annandale, VA 22003, Julie E. Khoury, Paralegal. The compilation was last modified on September 1, 2000. Thank you to Susan S. Azad, Crystal M. Roberts, Mark R. Sargis, and Alan J. Reinach for their assistance.

## SADDAM HUSSEIN AS A WAR CRIMINAL

### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 2000

Mr. PORTER. Mr. Speaker, on Tuesday, September 19, 2000, the Congressional Human Rights Caucus (CHRC) held a briefing on building the case against Saddam Hussein as a war criminal. This week our Administration urged the United Nations to establish a war crimes tribunal to try Saddam Hussein and eleven other Iraqi officials in the deaths of up to 250,000 civilians in Iraq, Iran, Kuwait and elsewhere. David Scheffer, the Ambassador-at-Large for War Crimes Issues, testified before the CHRC on September 19th. His remarks present the evidence which has been gathered by the U.S. against Hussein. This evidence includes crimes committed during the Iran-Iraq War, the massive use of chemical weapons in Halabja against his own citizens in 1988, the invasion and occupation of Kuwait in 1990 and 1991 and the killing of his political opponents which continues today.

Ambassador Scheffer's remarks are a thorough account of the horrendous crimes Saddam Hussein has committed and continues to commit, and what the U.S. is doing to promote justice in Iraq. I commend to Members' attention Ambassador Scheffer's remarks and hope that the U.S. Congress will strongly support the Administration's effort to bring Hussein to justice.

#### THE CASE FOR JUSTICE IN IRAQ

(By David J. Scheffer, Ambassador-at-Large for War Crimes Issues)

Thank you. It is good to be among so many groups and individuals who are dedicated to

the pursuit of justice, democracy and the rule of law for the Iraqi people. I am here to tell you all that the United States looks forward to the day when justice, democracy and the rule of law will prevail in Iraq.

I want to do three things this morning, by way of starting us all on a series of interesting presentations on different aspects of the case for justice in Iraq. First, I want to call to everyone's attention the reason we are here—the need to address the continuing criminality of Saddam Hussein's regime. Second, it has been almost a year since I saw many of you here in Washington last October, when I spoke at the Carnegie Endowment for International Peace on the subject of Iraqi war crimes, or at the Iraqi National Assembly in New York shortly thereafter. I want to update you on what the U.S. Government has been doing to promote accountability for Saddam Hussein's 20 years of criminal conduct. Third, I think you will find of interest some of the reaction, in Baghdad and elsewhere, to what we—and many of you—have been doing to promote the cause of justice in Iraq.

Let me be clear at the outset. Our primary objective is to see Saddam Hussein and the leadership of the Iraqi regime indicted and prosecuted by an international criminal tribunal. If an international criminal tribunal or even a commission of experts proves too difficult to achieve politically, there still may be opportunities in the national courts of certain jurisdictions to investigate and indict the leadership of the Iraqi regime. The United States is committed to pursuing justice and accountability in the former Yugoslavia, Rwanda, Cambodia, Sierra Leone and elsewhere around the world. We are also committed to the pursuit of justice and accountability for the victims of Saddam Hussein's regime in Iraq.

#### THE CRIMINAL RECORD OF THE REGIME OF SADDAM HUSSEIN

Let me turn to my first main point, the need to address the criminal record of Saddam Hussein and his top associates for their crimes against the peoples of Iraq, Iran, Kuwait, and other countries. To the United States Government, it is beyond any possible doubt that Saddam Hussein and the top leadership around him have brutally and systematically committed war crimes and crimes against humanity for years, are committing them now, and will continue committing them until the international community finally says enough—or until the forces of change in Iraq prevail against his regime as, ultimately, they must.

This may seem self-evident to all of you here today. Interestingly, in my discussions of this issue I have found some people who will agree that Saddam Hussein is a criminal, but who are genuinely unaware of the magnitude of his criminal conduct. Those who want to gloss over Saddam's criminal record often want to gloss over the need for him to be brought to justice. This goes to the very heart of why his conduct deserves an international response, so I find it useful to review what we now know of the criminal record of Saddam Hussein and his top associates.

1. The Iran-Iraq War. During the Iran-Iraq War, Saddam Hussein and his forces used chemical weapons against Iran. According to official Iranian sources, which we consider credible, approximately 5,000 Iranians were killed by chemical weapons between 1983 and 1988. The use of chemical weapons has been a war crime since the 1925 Geneva Protocol on poisonous gas, to which Iraq is a party. Also during the Iran-Iraq War, there are credible reports that Iraqi forces killed several thousand Iranian prisoners of war, which is also a war crime as well as a grave breach of the Geneva Conventions of 1949, to which Iraq is

a party. Other war crimes and crimes against humanity committed by Saddam Hussein and the top leaders around him against Iran and the Iranian people also deserve international investigation.

2. Halabja. In mid-March of 1988, Saddam Hussein and his cousin Ali Hassan al-Majid—the infamous "Chemical Ali"—ordered the dropping of chemical weapons on the town of Halabja in northeastern Iraq. This killed an estimated 5,000 civilians, and is a war crime and a crime against humanity. Photographic and videotape evidence of this attack and its aftermath exists. Some of this is available to scholars and—God willing—to prosecutors through the efforts of the International Monitor Institute in Los Angeles, California. More visual evidence is available from Iranian cameramen, who collected their images of the victims of this brutal attack—most of whom were women and children—in a book published in Tehran. The best evidence of all is from the survivors in Halabja itself.

I am proud to say that the United States has been working with groups such as the Washington Kurdish Institute and scientists like Dr. Christine Gosden to document the suffering of the people of Halabja and—just as importantly—to find ways to help the people of Halabja treat the victims and bring hope to the living. Working with local authorities, we are looking for ways to help investigators, doctors and scientists document this crime and plan the help that the survivors need and deserve. We know they will not get that help from Saddam Hussein. As one example, to help war crimes investigators, the U.S. Government is today announcing the declassification of overhead imagery products of Halabja taken in March 1988, the best image we have that was taken a little more than a week after the attack. We hope this will serve as a photo-map to enable witnesses to describe to investigators, doctors and scientists what they were during those terrible days of the Iraqi chemical attack and its aftermath.

3. The Anfal campaigns. Beginning in 1987 and accelerating in early 1988, Saddam Hussein ordered the "Anfal" campaign against the Iraqi Kurdish people. By any measure, this constituted a crime against humanity and a war crime. Chemical Ali has admitted to witnesses that he carried out this campaign "under orders." In 1995, Human Rights Watch published a compilation of their reports in the book "Iraq's Crime of Genocide," which is now out of print. Human Rights Watch needs to reprint this book. Human Rights Watch estimated that between 50,000 and 100,000 Kurds were killed. Based on their review of captured Iraqi documents, interviews with hundreds of eyewitnesses, and on-site forensic investigations, they concluded that the Anfal campaign was genocide. I challenge anyone to read the evidence cited in Iraq's Crime of Genocide and come to any different conclusion.

4. The invasion and occupation of Kuwait. On August 2, 1990, Saddam Hussein ordered his forces to invade and occupy Kuwait. It took military force by the international community and actions by the Kuwaiti themselves to liberate Kuwait in February 1991. During the occupation, Saddam Hussein's forces killed more than a thousand Kuwaiti nationals, as well as many others from other nations. Evidence of many of these killings is on file with authorities in Kuwait and at the United Nations Compensation Commission in Geneva. Saddam Hussein's forces committed many other crimes in Kuwait, including environmental crimes such

as the destruction of oil wells in Kuwait's oil fields, massive looting of Kuwaiti property—Saddam's son Uday appears to have treated Kuwait as his personal used car lot. As well, Saddam Hussein's government held hostages from many nations in an effort to coerce their governments into pro-Iraqi policies. During the war, Iraqi authorities also committed war crimes against Coalition forces. War crimes against American servicemen were detailed in a report to Congress and in an article by Lee Haworth and Jim Hergen in *Society* magazine back in January 1994.

5. The suppression of the 1991 uprising. In March and April of 1991, Saddam Hussein's forces killed somewhere between 30,000 and 60,000 Iraqis, most of them civilians. The story of the uprising of the Iraqi people is one of courage and hope for the people of Iraq and has been told by men such as former Iraqi General Najib al-Salihi in his book *Al-Zilzal*, "The Earthquake." The story of the uprising that started in the south, a part of the country traditionally neglected and deprived by Saddam Hussein's government in Baghdad, deserves to be better known outside of Iraq. Most of those killed were civilians, not resistance fighters—a distinction that Saddam Hussein did not respect in 1991 any more than he has before or since. This qualifies as a crime against humanity and possibly also a war crime.

6. The draining of the southern marshes. Beginning in the early 1990's, and continuing to this day, Saddam Hussein's government has drained the southern marshes of Iraq, depriving thousands of Iraqis of their livelihood and their ability to live on land that their ancestors have lived on for thousands of years. This is clearly not a land reclamation project, or a border security project as some of Saddam's defenders have claimed. Instead, as groups such as the Amar Foundation have begun to document, Saddam's efforts have served to render the land less fertile, and less able to sustain the livelihood or security of the Iraqi people. This qualifies as a crime against humanity and may possibly constitute genocide.

7. Ethnic cleansing of ethnic "Persians" from Iraq to Iran, and an ongoing campaign of ethnic cleansing of the non-Arabs of Kirkuk and other northern districts. This ongoing campaign of ethnic cleansing was documented by the former U.N. Special Human Rights Rapporteur for Iraq, Max van der Stoep in his reports in 1999.

8. Continuing unlawful killings of political opponents. Many groups have documented Saddam Hussein's ongoing campaign against political opponents, including killings, tortures, and—lately—rape. As some of you may know, the regime has been using sexual assaults of women in an effort to intimidate leaders of the Iraqi opposition. We salute the courage of opposition leaders such as General Najib al-Salihi for speaking out about this crime. The regime is also carrying out a systematic campaign of murder and intimidation of clergy, especially Shi'a clergy. The number of those killed unlawfully is difficult to estimate but must be well in excess of 10,000 since Saddam Hussein officially seized power in 1979. The number of victims of torture no doubt well exceeds the number of those killed.

Who is responsible for these crimes? Like Slobodan Milosevic, Saddam Hussein did not commit these crimes on his own. He has built up one of the world's most ruthless police states using a very small number of associates who share with him the responsibility for these criminal actions. The non-governmental group INDICT some time ago developed a list of 12 of those most deserving of international indictment. To refresh everyone's recollection, they are:

1. Saddam Hussein, president of Iraq and chairman of the Revolutionary Command Council (RCC). I will have more to say about the, RCC shortly.

2. Ali Hassan al-Majid, "Chemical Ali," reviled for his enthusiasm in using poison gas against Iraqi Kurds and in the Iran-Iraq war. He also turned up in Kuwait during the occupation and, more recently, as governor in the south of Iraq during recent periods of repression against the people there. When someone shows up at crime scene after crime scene, the pattern of evidence becomes clear.

3. Saddam's elder son Uday, a commander of a ruthless paramilitary organization that maintains Saddam's hold on power.

4. Saddam's younger son Qusay Saddam Hussein, the Head of the Special Security Organization, reputed by many to be Saddam's likely successor.

5. Muhammad Hamza al-Zubaydi, Deputy Prime Minister of Iraq.

6. Taha Yasin Ramadan, Vice President of Iraq.

7. Barzan al-Tikriti former Head of Iraqi Intelligence.

8. Watban al-Tikriti, former Minister of the Interior.

9. Sabawi al-Tikriti, former Head of Intelligence and the General Security Organization.

10. Izzat Ibrahim al-Douri vice chairman of the Revolutionary Command Council and former Head of the Revolutionary Court.

11. Tariq Aziz, Deputy Prime Minister of Iraq.

12. Aziz Salih Noman, Governor of Kuwait during the Iraqi occupation.

#### II. BUILDING THE CASE: WHAT THE UNITED STATES HAS BEEN DOING

The charges are clear. The targets of prosecution are identified. Let me turn to a brief description of what the United States has been doing in the past year to gather the evidence of Iraqi crimes against humanity, war crimes and genocide.

First, we have undertaken an analysis of the *de jure* case against Saddam Hussein. This is important because a more straightforward *de jure* case can greatly simplify the work of prosecutors. As some of you know, the International Criminal Tribunal for the Former Yugoslavia took advantage of Slobodan Milosevic's official role as President of the FRY in 1999 to indict him for crimes against humanity in Kosovo, whereas he has not yet been indicted for his responsibility for crimes committed during the 1991-95 wars in Bosnia and Croatia, when he was nominally only President of Serbia.

The *de jure* case against Saddam Hussein and his top associates is rock-solid. To summarize briefly, Article 37 of the current Iraqi constitution names the Revolutionary Command Council (RCC) the supreme body in the state. Articles 42 and 43 state that the RCC has the power to promulgate laws and decrees that have the force of law. Article 38 states that the RCC chairman is also the President, who is responsible under Article 57-59 for the acts of the Iraqi military and security services. The RCC chairman and Iraqi president is, of course, Saddam Hussein.

We have also been doing our part on the *de facto* case. Our second area of work has been in connection with one of the most important archives of evidence—millions of pages of captured Iraqi documents taken out of northern Iraq by Human Rights Watch and the U.S. Government. We scanned these onto 176 CD-ROM's. Last October, we announced we had given a set of the 176 CD-ROM's to the Iraq Foundation, along with a grant to make the full collection of these documents available on the Internet to scholars, journalists and, eventually, prosecutors world-

wide. I know the Iraq Foundation and the Iraq Research and Documentation Project have been working hard on that project, which I will let them describe further.

Third, the U.S. Government has another archive of millions of pages of documents captured by U.S. forces in Kuwait and southern Iraq during Operation Desert Storm. I announced on August 2 that we have been working to declassify these documents and that we were giving the first of these to the Iraq Foundation. Today, I am announcing that we have given several hundred more to the Iraq Foundation, as well. I will let the Iraq Foundation describe further what is in this collection.

Fourth, the U.S. Government has an extensive archive of classified documents relating to Iraqi war crimes during the Gulf War. Since October, staff from my office have located and reviewed these materials. If you remember the final scene of "Raiders of the Lost Ark" where the Ark is being wheeled into a warehouse of crate upon crate, I should tell you that that warehouse *does* exist—it's in Suitland, Maryland—and that my staff found these materials on Iraqi war crimes . . . located safely right next to the Ark of the Covenant. U.S. Army lawyers and investigators did a truly outstanding job of compiling this evidence and organizing it in ways that will prove valuable to the staff of a tribunal or commission. Some of the materials can eventually be declassified. While we do not intend to make all of these documents public, we have worked closely with past commissions of experts and tribunals to allow them access to classified material in accordance with U.S. laws that protect sources and methods. We would be willing to do the same for a commission or tribunal looking into the crimes of Saddam Hussein and his henchmen.

I must also salute the work of Kuwaiti prosecutors, the Center for Research and Studies on Kuwait, and others there in documenting Saddam Hussein's crimes against the Kuwaiti people. After the liberation, Kuwaiti authorities undertook a systematic effort at collecting evidence and documenting Iraqi war crimes in Kuwait. As some of you know, Kuwaiti prosecutors recently completed a thorough trial of Alaa Hussein, installed in August 1990 by Saddam Hussein as the quisling governor of Kuwait during the early weeks of the occupation. Kuwaiti prosecutors showed, through their professionalism in that trial their ability to present evidence of Iraqi war crimes committed 10 years ago.

Fifth, U.S. Government officials have been meeting with witnesses and former Iraqi officials to gather evidence of Iraqi war crimes. There is no substitute for eyewitness accounts in any criminal prosecution, before an international tribunal or in national courts. We have learned a lot in these interviews. As a rule, we treat information provided to us in confidence, so we leave it to those who talk to us whether to go public with what they have experienced. There have been a number of cases where valuable leads have come forward. We understand other groups are also active in interviewing witnesses, but I will leave it to them to describe their own work.

Sixth, to support our other work the U.S. Government has undertaken a review of imagery to declassify potential evidence of both historical and more recent Iraqi criminal conduct. We have made public imagery products showing the ongoing work to drain the southern marshes, and destroy Iraqi villages. Recently, the Iraq Foundation received a report of the destruction of the southern Iraqi village of Albu Ayish on March 28 and April 5, 1999. We were able to locate imagery products from September

1998 and December 1999 that confirms this account. Those of you familiar with Jamie Rubin's press briefings of the conflict in Kosovo will recognize this presentation. [Show] On the left is Albu Ayish as it existed before Iraqi forces moved in. You can see the school near the river, here. The buildings surrounding it have roofs on them. In the "after" picture, here, the school is intact. That is more than you can say for the buildings surrounding the school, which bear the signs of destruction from ground level. I will leave it to Rend Franke if she wants to say more about what happened to the families at Albu Ayish and surrounding towns in southern Iraq. Albu Ayish is but one example of what the U.S. Government is doing to review imagery of Iraqi war crimes.

All in all, we have had a productive year in developing and preserving evidence of Iraqi crimes against humanity and war crimes. We are the first to say there is much more that needs to be done. To that end, we are hoping the Congress will give us the President's full requested appropriations so that this important work can continue for another year. We also anticipate further strong contributions to this work by the Iraqi opposition. The Iraqi National Congress, in particular, tell us they plan to devote substantial efforts to this cause as part of its upcoming \$8 million work program.

### III. THE REACTION FROM BAGHDAD AND ELSEWHERE

Let me turn to my third main point. One of the most interesting aspects of our work on documenting Iraqi war crimes, and engaging with other governments on this issue, has been the reactions we have received. Let me first talk about Baghdad's reaction. Saddam Hussein recognizes that he is vulnerable to calls for accountability for his crimes against humanity, genocide and war crimes. Articles in the international press have reported that the regime takes international efforts to establish a tribunal seriously. Threats of possible arrest have caused Iraqi officials to curtail or forgo travel to European countries whose laws allow arrest under the U.N. Convention Against Torture. The regime has also harassed Iraqis and others who speak out against the regime's crimes. For example, the regime sent someone with an Iraqi diplomatic passport—I hesitate to call him an Iraqi diplomat—to try to film participants at INDICT's conference on Iraqi war crimes in Paris this past April.

There is another important aspect of the Iraqi reaction, as well. Saddam Hussein realizes that international discussion of his crimes against humanity, genocide and war crimes reveals the truth about his policies towards the Iraqi people for the last 20 years. This is a regime that maintains its power through crime—whether it be by crimes against humanity and war crimes, or by killings, torture or the threat of killings and torture, of Iraqi citizens, and by looting the property that rightly belongs to the people of Iraq or Iraq's neighbors. Make no mistake—those crimes are continuing to this day.

Saddam Hussein clearly fears the truth. Journalists who travel to Iraq all have "minders." It takes courageous journalists, and documentary film producers like Joel Soler, to tell any story other than the one that Saddam Hussein's regime wants you to tell. (I hope you all can see Mr. Soler's documentary, "Uncle Saddam" at 1:00 this afternoon.) One recent visitor to Iraq traveled to Baghdad earlier this year and was shown hospital beds with two patients to a bed. It was only when he slipped away from his minder that he found out that around the corner, out of sight, was a room full of empty hospital beds. Last week, as you read

in Barbara Crossette's story in September 12th's New York Times, Saddam Hussein kept U.N. humanitarian experts from traveling to Iraq to assess the true living conditions in Iraq. She wrote, "President Saddam Hussein, whose government is now probably the world's most repressive, wants to control all contact between Iraqis and outsiders, and can in effect veto the assignment to Iraq of even United Nations officials." Large aid organizations based in Europe have been barred from areas in Iraq under the regime's controls. Instead, only small, anti-sanctions protesters, "who bring in relatively small amounts of aid, are welcomed for their propaganda value." Any statistics from Iraq, or taken by Iraqi officials for the U.N., are seriously suspect. A recent Fellow at the U.S. Institute of Peace, Amatzia Baram, documented in this Spring's issue of Middle East Journal how the Government of Iraq denies U.N. relief agencies accurate and reliable statistics on the true conditions inside Iraq. No reporter should uncritically accept as true any Iraqi statistics, based on the research and data shown in this article. Iraqi human rights and opposition groups frequently must work hard and take risks to get the truth out of Iraq, and I am honored to be here with some of their representatives today. Saddam Hussein refused every year to allow the former U.N. Special Human Rights Rapporteur for Iraq, Max van der Stoep, to visit Iraq to find out the truth about Iraqi human rights abuses. The new rapporteur, Andreas Mavrommatis of Cyprus, has not been allowed into Iraq, either. Efforts to keep U.N. arms inspectors from the truth about Saddam's nuclear, chemical and biological weapons are so well-known I will not repeat them, except to say there were many "full and final disclosures." Russian diplomat Yuli M. Voronstov was this year denied entry to find out the true fate of more than 600 missing Kuwaitis taken captive by Iraq during the occupation of Kuwait and, thus far, never returned to their families. Their fate is known up until the time they were taken to a prison in Basrah, southern Iraq, and they have never been heard from since. It is true that, a few years ago, Iraq admitted it had been holding hundreds of Iranian prisoners of war more than 10 years after the end of the Iran-Iraq War. When the truth came out, Iraq was forced to release its prisoners.

All this effort to conceal the truth about what is going on inside Iraq today is hard to explain without understanding the context of Saddam Hussein's 20-year record of crimes against humanity by the Iraqi regime. We know from those who have been in Saddam's inner office that he admires Josef Stalin, and he has clearly tried to emulate Stalin's methods of brutality, terror, covering up the truth, and using propaganda to project a different image. An awareness of the criminal character of Saddam Hussein's regime puts in context his current propaganda campaign. No wonder Saddam Hussein is concerned about efforts to establish an international tribunal that would document the truth of his 20 years of crimes against humanity, genocide and war crimes. It would end international support for Saddam Hussein's campaign to gain personal control of billions of dollars of Iraqi oil revenues that is now dedicated to the Iraqi people through the U.N.'s oil-for-food program. Make no mistake—the United States is committed to finding ways of improving conditions for the Iraqi people, but we cannot foresee the suspension of U.N. sanctions except through full compliance with the Security Council's resolutions that were adopted precisely as a result of Saddam Hussein's crimes against humanity, genocide, and war crimes against the peoples of Iraq and Iraq's neighbors.

The United States has held discussions in the last year with a number of governments and non-governmental organizations who share the desire for an international tribunal to indict Saddam Hussein and his top aides for their crimes. We have also compiled a collection of arguments from those who don't want to support a tribunal. As you would expect, none of them withstands scrutiny. Let me share some of the answers we have given and let you be the judge.

Until recently, some people said there was no reason to bring Saddam to justice since most of his crimes took place long ago, starting right after he seized absolute power in 1979. That argument doesn't work any more, since other recent efforts for justice in Europe and Asia have reached back prior to 1979, when Saddam Hussein murdered his way to the presidency of Iraq. The worst abuses of the Pinochet era took place in 1973-1979, and the crimes against humanity of the Khmer Rouge era took place in 1975-1979. As Secretary Albright has long made clear, there is no statute of limitations for genocide or crimes against humanity.

Some have said that the Security Council should not establish another ad hoc international tribunal and instead wait for the International Criminal Court (ICC) to come into force. The ICC Treaty will not come into force for at least two more years, and it will not have jurisdiction over crimes committed before the Treaty comes into force. Therefore, the ICC will be not able to hold Saddam Hussein and his associates accountable for between a hundred thousand and a quarter of a million civilian deaths, nor for the tortures, rapes, lootings and other crimes against humanity and war crimes of the past, nor for crimes against humanity that are still going on inside Iraq today. Nor, under Article 12 of the Treaty, is the ICC going to be able to indict Saddam for crimes he commits in the future inside Iraq unless the Security Council acts to establish the court's jurisdiction over his crimes, which we, and others, say should happen right now.

Our pursuit of justice in Iraq is entirely consistent with the objectives of the International Criminal Court, objectives we have long supported. Governments that support international justice need to work together in real time on the most demanding issues of accountability of this era—in places like the former Yugoslavia, Rwanda, Sierra Leone, Cambodia—and Iraq. It would be ironic indeed if the generation of leaders who drafted the ICC Treaty turned their backs on some of the most egregious crimes of our time. The ICC will not succeed if its supporters are not willing to demand accountability for war criminals like Saddam Hussein.

Finally, there used to be those who said that the threat of indictment of officials around Saddam Hussein would deter them from leading a coup against him. The nature of the Iraqi regime—both in fact and in law—is that Saddam Hussein and a very small group of men around him have wielded absolute power. They are not likely to be the ones to lead an uprising against Saddam. They deserve to be the ones held responsible for the regime's crimes against humanity, genocide and war crimes. When Saddam passes from the scene—and this will happen sooner or later—there will need to be a process of truth and reconciliation for the bulk of Iraqi society if it is to make peace with itself. We owe it to the victims of 20 years of the crimes of this regime to hold accountable those at the top who wielded absolute power and ruined the lives of millions of Iraqis.

The last argument that never gets made, at least publicly, is money—that there is profit in doing business with the Baghdad regime despite its criminal character. Countries that have ratified the ICC treaty have

already expressed, explicitly or implicitly, their policy decision that economic grounds are insufficient to let a war criminal off the hook. We believe there is much more to gain for international peace and security from pursuing international justice against Saddam Hussein than would ever be possible to gain for private profit from pursuing international commerce with Saddam Hussein. Moreover, in the end, Saddam Hussein's criminal regime will go. At that time, the Iraqi people will look up, around them, and see who stood up for justice for the victims of Saddam Hussein's criminal regime, and who opposed efforts to bring the regime to justice. It is in everyone's long-term interests—economic, political, and moral—to side with justice for the peoples of Iraq, Iran, Kuwait, and elsewhere.

#### IV. CONCLUSION

In conclusion, let me say this. Iraq is a proud nation. Its heritage goes back to the days of Hammurabi the lawgiver and the four schools of Islamic law of the Abbasid Caliphate (Hanafi, Maliki, Shafi'i and Hanbali), and the great Shi'ite schools of Islamic theology that Saddam Hussein has sought to destroy. Saddam tries to liken himself to the great Nebuchadnezzar II, when it is more likely history will judge him as a latter-day Hulagu Khan, the Mongol conqueror who left Iraq a legacy of death, devastation and misrule. Mongol conquerors built a pyramid of the skulls of their victims; Saddam Hussein used helmets of Iranian soldiers killed during the Iran-Iraq War. The time has come for Saddam Hussein and his top associates to be held accountable for their 20 years of crimes against humanity, war crimes and genocide. I hope you will join with me these next few months in advancing the cause of justice in Iraq.

#### IN HONOR OF THE NORTH WARD CENTER, FOR 30 YEARS OF IMPROVING THE LIVES OF NEW JERSEY FAMILIES

##### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the North Ward Center on its 30th anniversary. For 30 years, the North Ward Center has been an invaluable asset to Essex County, New Jersey. By providing a variety of important social services, the North Ward Center has improved the lives of thousands of Essex County residents.

Through educational, cultural, and social programs, the North Ward Center has empowered low-income families and families on welfare, providing them with the tools necessary to take full advantage of all that America has to offer. The Center helps promote self-sufficiency and assists in neighborhood revitalization, building better and stronger communities.

In addition, the North Ward Center provides exceptional pre-school, elementary, and middle school education for young people, enabling them to learn essential skills for setting and achieving future goals. Through after-school development and recreation programs, the Center works very hard to develop compassionate and productive young adults. It also assists senior citizens with vital services, such as transportation to medical appointments and grocery stores.

At every level, The North Ward Center serves the community—leaving no one be-

hind. Its Child Development Center is one of New Jersey's best pre-school programs; its Youth Development Program serves over 3,500 young people annually, providing a comprehensive approach to personal development, peer mentoring, and physical activities through organized sports; its Academy for Life Long Learning provides a high tech, adult basic skills program and is a statewide model used by the governor; and its Youth and Family Outreach program provides important development and support initiatives to help prevent family disintegration.

The extraordinary success that the North Ward Center has achieved is attributable to many factors, especially to the hard work and dedication of Executive Director Steve N. Adubato. He is the Center's spiritual leader and guiding force. Under Steve's leadership, the North Ward Center has changed the face of the North Ward and improved the lives of its residents; for that, I extend my deepest gratitude.

Today, I ask my colleagues to join me in honoring The North Ward Center for all it has done for the families of Essex County, especially Newark, New Jersey.

#### HONORING WOODROW STANLEY

##### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today on behalf of the Flint, Michigan Pan-Hellenic Council. For many years, the Council has been at the forefront of activities that have tremendously benefited the community. The Council also takes the time to recognize other members of the Flint community who also work to make long-standing positive impact. On September 21, at the Council's Tenth Annual Salute Dinner, they will salute one such individual, Flint Mayor Woodrow Stanley.

Woodrow Stanley is currently serving his third term as Mayor of Flint, Michigan. A resident of Flint since 1959, Mayor Stanley is a product of the Flint School District. After graduating from Flint Northern High School, he worked full time for General Motors and paid his own way through college. He graduated from Mott Community College and the University of Michigan-Flint.

Mayor Stanley's political career began in 1983 when he was appointed to the Flint City Council representing the Second Ward. He held this position for four consecutive terms, until his election as Mayor in 1991. As Mayor, Woodrow has worked diligently to promote, defend, and enhance the quality of life for his constituents. His community policing and crime prevention programs has caused a significant drop in the city's crime rate. He has worked to improve city parks and recreational activities, and many residents have found City Hall more accessible, thanks to Mayor Stanley's leadership. Other programs Mayor Stanley has been involved with include the Mayor's Youth Cabinet, Mayor's Initiative on Summer Employment, and City and Schools in Partnership.

Through his partnerships with area civic and business leaders, Flint was designated as an Enterprise Community and was established as a Job Corps site.

In addition to the tremendous work he does in City Hall, Mayor Stanley also serves as Vice-Chair of the Michigan Democratic Party, is a past Chair of the Michigan Association of Mayors, and is a life member of the NAACP. Other groups he has been involved with include the National League of Cities, National Black Caucus of Local Elected Officials, and the Michigan Municipal League. He has received numerous awards and citations, including the Distinguished Service Award by the National Black Caucus of Local Elected Officials, Man of the Year by the Minority Women's Network, and the Donald Riegle Community Service Award by the Flint Jewish Federation, among many others.

Mr. Speaker, I am pleased to hear that the Flint Pan-Hellenic Council has sought to acknowledge the achievements of Mayor Woodrow Stanley. He is truly deserving of their honor. Furthermore, I am proud to have Mayor Stanley as my constituent, my colleague, and my friend. It is difficult to imagine the City of Flint without his influence. I would also like to recognize his wife Reta, and their two daughters, Heather and Jasmine. We owe them all a debt of gratitude.

#### "STRENGTHENING U.S. EXPORT CONTROLS" H.R. 5239

##### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. GILMAN. Mr. Speaker, today together with the Ranking Minority Member Mr. GEJDENSON I am introducing a measure, the "Export Administration Modification and Clarification Act of 2000" that will strengthen the enforcement of our export control system by increasing the penalties against those who would knowingly violate its regulations and provisions.

This measure would implement one of the key recommendations of the Cox Commission report on protecting our national security interests and is virtually identical to a provision in H.R. 973, a security assistance bill, which passed the House in June of last year with strong bipartisan support.

Since the Export Administration Act, EAA, lapsed in August of 1994, the Administration has used the authorities in the International Emergency Economic Powers Act, IEEPA, to administer our export control system. But in some key areas, the Administration has less authority under IEEPA than under the EAA of 1979. For example, the penalties for violations of the Export Administration Regulations that occur under IEEPA, both criminal and civil, are substantially lower than those available for violations that occur under the EAA. Even these penalties are too low, having been eroded by inflation over the past 20 years.

The measure I am introducing today significantly increases the penalties available to our enforcement authorities at the Bureau of Export Administration, BXA, in the Department of Commerce. It also ensures that the Department can maintain its ability to protect from public disclosure information concerning export license applications, the licenses themselves and related export enforcement information.

In view of the lapse of the EAA over the past five and a half years, the Department is