• Lack of spare parts to restore the supply of electricity, which powers the health-care system, has been repaired to less than 25% of its pre-war capacity. The supply of electricity will remain at this level until the embargo on spare parts is lifted. . . .

Sanctions and humanitarian assistance

Never before have international agencies such as CRS been called upon to provide relief assistance to a country that, in the absence of sanctions, would be able to purchase sufficient food to feed itself. Worse still, the policy of deliberately depriving the Iraqi population of regular commercial imports may divert the scarce human and financial resources of private agencies and the United Nations from countries where famine conditions are already in evidence.

CRS is aware that there are legitimate political issues at stake that have resulted in the imposition of sanctions against Iraq. However, as the Most Reverend John R. Roach, Archbishop of Saint Paul and Minneapolis and chairman of the United States Catholic Conference's International Policy Committee, wrote to Secretary of State James Baker, "The inadequacy of existing humanitarian relief efforts, the conviction that coercive measures should be strictly limited in their ends and means, and mounting evidence of disproportionate harm to the civilian population lead us . . . to the judgment that the embargo, as now applied, unduly risks violating fundamental moral norms and prolonging human suffering."

In accordance with the position outlined by Bishop Griffin on behalf of the United States Catholic Conference, Catholic Relief Services believes that the current embargo should be restructured so that it can still secure full compliance with the cease-fire resolution, without endangering the lives of the civilian population. We encourage a reshaping of the embargo to allow Iraqi resources to be used to purchase essential commodities and to ensure that vulnerable population gain equal access to those commodities.

Let me strike a cautionary note. Suggestions about unfreezing Iraqi assets for the purchase of food, under U.N. control, are encouraging. However, we should not be diverted into thinking that the U.N. can be an effective substitute for the commercial and government mechanisms of commodity distribution. It is difficult to imagine any international agency—or set of agencies—with the capacity to manage the entire food and medical distribution system of a country of 18 million people. . . .

As long as comprehensive sanctions continue and the need for relief assistance grows, CRS will continue to insist (as we do in every country in which we work) that the Government of Iraq allow relief officials free and unimpeded access to vulnerable groups throughout the country. . . . I should note that we work with the Government of Iraq presently, and have thus far received its cooperation in the distribution and monitoring of our relief assistance. . . .

Hamerman tells U.N. LaRouche deprived

Warren Hamerman, speaking on behalf of the Vienna-based International Progress Organization (IPO), made his third powerful intervention into the ongoing deliberations at the United Nations in Geneva on Aug. 21. (See last week's EIR *for reports on his previous testimony, on Aug. 9 and 13.) Legal experts of the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities during the entire morning had held a heated debate over the question whether, and how, to speak out against the coup attempt in Moscow.*

During the afternoon session, devoted to a discussion of questions of justice and the issue of fair trial, where the U.S. practice of using the death penalty against minors was repeatedly criticized by law experts, Hamerman was among the first representatives of the non-governmental organizations to be called to take the floor. The room was packed and the attention of the audience, legal experts from all over the world, was described by eyewitnesses as unusually intense.

The text of Hamerman's speech follows:

The situation in the United States is very grave and becoming rapidly out of control with respect to human rights violations central to the related items of the administration of justice and the independence and impartiality of the judiciary. In the interest of consolidating my remarks, I will now present a single presentation dealing with Agenda items 10 and 11 with particular focus upon the pattern of systematic violations of the international standards established in:

1. The Right to a Fair Trial report prepared jointly by Mr. Stanislav Chernichenko and Mr. William Treat which not only analyzes the acceptable general fair trial standards for civilized nations, but also establishes what elements of a fair trial are non-derogable rights in accordance with resolution 1989/27 of the Subcommission;

2. The Code of Conduct for Law Enforcement Officials adopted by General Assembly resolution 34/169 of 17 December 1979; and

3. The Basic Principles on the Independence of the Judiciary endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

Despite its many guarantees of justice *de jure*, the following three areas indicate that the United States has fallen out-

rights experts: of fair trial

side international legal standards *de facto:*

a) The increasing ease with which the death penalty is being carried out, which stands in stark contrast to the fact that in former totalitarian regimes in Eastern Europe the first steps to judicial democratization included curtailment of the death penalty. Former U.S. Attorney General Ramsey Clark has noted that not only are there well over 2,000 prisoners awaiting execution in the U.S. but they are disproportionately among minorities and the poor.

b) The astonishing pattern of Supreme Court decisions under Chief Justice William A. Rehnquist which is moving at great velocity to destroy the fair trial guarantees for a criminal defendant.

c) The increasing trend of the judiciary to engage in legal and quasi-legal witch hunts against targeted political dissidents. The trend to abusing the powers of the state judiciary for political ends is most clearly seen in the complex of cases involving Lyndon H. LaRouche, Jr. and the "entrapment" trials against elected minority political leaders.

Since the Rehnquist Supreme Court is leading the erosion of international fair trial standards from the top down, I wish to briefly list the decisions over the past year alone which stand in violation of the aforementioned conventions and principles:

a) The restriction of habeas corpus. In *Coleman v. Thompson,* the Supreme Court held that state prisoners who fail to comply with procedural rules cannot have their cases reviewed by a federal court, even if the procedural defect was the fault of the attorney. In *McCleskey v. Zant* the Supreme Court said that prisoners only get one *Habeas* writ before a federal court, even if new exculpatory evidence is later discovered.

b) The destruction of fair jury standards. In *Mu'Mim v. Virginia,* the Supreme Court ruled that as long as a juror says that he can be impartial, the judge need not question the juror about the effects of his exposure to hysterical prejudicial pretrial publicity.

c) The elimination of protections against arbitrary search and seizure. In *Florida v. Bostick* the Supreme Court ruled that police can board a bus and arbitrarily search passengers' baggage. In another decision in *County of Riverside v. McLaughlin* the Rehnquist court ruled that a suspect can be detained for 48 hours (longer on holidays and weekends) without probable cause being shown in a warrant or a hearing.

d) The legalization of *forced confessions.* The Supreme Court ruled that the use of a coerced confession at trial does not violate the constitutional provision against self-incrimination if it is determined to be "harmless error."

e) The death penalty is being facilitated. Two years ago the Supreme Court ruled that there can be capital punishment for juveniles and for the retarded. In the 1989 case *Giarratano v. Virginia* the Supreme Court ruled that a state prisoner facing the death penalty does not have the right to a lawyer after his first appeal.

While these decisions create an already chilling situation, I must bring to the attention of this international body that most experts on this trend—including retiring Supreme Court Justice Thurgood Marshall—have publicly warned that Chief Justice Rehnquist has a secret "agenda" to accelerate the dismantling of rights and guarantees in the name of judicial efficiency.

With the Supreme Court creating such a climate, the administration of justice against those targeted by state authority has gotten completely out of control. In particular, I would note abuses to the question which has previously been studied by the Subcommission's Special Rapporteur L. M. Singhvi on the problem as stated in Right to a Fair Trial reports as follows:

"The independence of the judiciary and the fairness of all trials make unacceptable any interference or attempt to exert pressure by authorities or persons not involved in the case." (point 53, page 11)

This principle is brazenly violated in all the big political trials.

For instance, in the Iran-Contra cases, such as the case of former CIA station chief Fernandez, the Executive branch of the government repeatedly intervened to withhold evidence, suggest perjured testimony or even destroy evidence on the grounds of protecting "national security."

Another instance involves the case of LaRouche. The defense obtained an actual copy of a letter which the well-known former Secretary of State and National Security Adviser Henry A. Kissinger wrote on Aug. 19, 1982, to then FBI director William Webster urging him to take action against LaRouche. After a further exchange of letters among Webster, Kissinger's lawyer and FBI Assistant Director Oliver Revell, the FBI indeed determined on Jan. 31, 1983 to initiate investigative action, thus beginning the process which led to the incarceration of the 69-year-old political prisoner.

The following other violations of the independence principle also occurred in the LaRouche case:

1) LaRouche was not given time to prepare. He was indicted on Oct. 14, 1988, only three weeks before the November 1988 presidential election in which he was a regis-

tered candidate in many states. He was rushed to trial 34 days after his indictment and only ten (10) days after the Judge issued an *in limine* motion gagging the defense from presenting their prepared defense. Months after the trial, when LaRouche was in prison, he discovered that the judge (Albert V. Bryan, Jr.) had hidden from the defense the fact that he (Bryan) had been an attorney for Interarms, one of the largest weapons exporting companies with special links to the CIA and other opponents of LaRouche in the intelligence community.

2) The man who became the jury foreman in the LaRouche case (Buster Horton) suppressed the fact that he was a government employee with national security duties for the special Emergency Rule group of Lt. Col. Oliver North. LaRouche only discovered this evidence after he was imprisoned.

3) After LaRouche was imprisoned the government admitted that they held over 56,000 pages of documents on LaRouche and his co-defendants. In affidavits, Justice Department officials stated that they would not release the potentially exculpatory material because the documents were considered a "national security repository."

Finally, I must stress that it has become common practice for the judiciary to work in concert with private individuals and organizations who share a mutual interest in "getting" a targeted group or movement. This, for instance, can especially be seen in the role of the media to create a witch-hunt atmosphere against the targets for judicial action. Through this means, the general public and potential jury is prejudiced.

For instance, in the famous case of the indictment of former U. S. Sen. Harrison Williams, NBC television cameramen and the law enforcement officers to arrest him, arrived at his Washington, D. C. home simultaneously.

There is a pattern of massive pretrial publicity, especially in the cases of political trials. The media and other self-appointed private police organizations have made a practice of going further in cooperation with the judiciary to prepare evidence and witnesses for political trials.

Court evidence obtained after LaRouche's conviction, for example, demonstrates that private entities and individuals in at least three organizations—the Anti-Defamation League of B'nai B'rith, the so-called Cult Awareness Network (CAN), and NBC-TV—participated in a period of many years of exchanging evidence and preparing witnesses which were used by the prosecution at the LaRouche trials.

The role of the media in "demonizing" the accused before trial has been particularly egregious in the cases of well-known political leaders as in the cases of Gen. Manuel Noriega of Panama or Mayor Marion Barry of Washington, D.C.

I would like to conclude with an urgent request for the Subcommission to take action both in its own authority as well as by urging the Human Rights Commission to fully investigate this report, that in the United States judicial standards have fallen below the level to which the U.S. has been so quick to label police state measures in other nations.

Many NGOs and observers have compiled vital information on the details of disproportionate administration of justice against minorities and the poor, pre-trial, during trial, during sentencing and during imprisonment.

When the elements of these cases are compared, for instance, with the government's conduct, and virtually non-existent sentences given in the Iran-Contra cases, there can be no doubt that there is a kind of judidical apartheid practiced in the United States which is the proper role of this Subcommission to redress.

Since the nation we are dealing with here, the United States, has so long enjoyed the deserved reputation as a model of equality before the law, the recent trend is most disturbing and requires the utmost scrutiny by the world community of nations.

I would suggest that the mass of information now coming together about a disturbing situation in the United States be the occasion for the Subcommission to move beyond the situation which the Right to a Fair Trial report reaches in its concluding statement:

"The United Nations and other international bodies have promulgated significant international norms for fair trials, but have not established implementation procedures specifically designed or focused on fair trials" (point 151, page 28).