

## **War Crimes Investigator: Interview with Assia Boundaoui**

The Egyptian human rights attorney, Mahmoud Cherif Bassiouni has investigated four wars and exposed numerous crimes against humanity. He has witnessed some of the most atrocious crimes of the past decade. Most recently the United Nations asked him to investigate the conflict in Libya. He found the regime of Maummar Qadhafi has engaged in crimes against humanity and numerous war crimes against Libyan civilians. Assia Boundaoui met up with him in Chicano, and we should warn you this report contains a graphic description.

AB: Figuring out what is or isn't a war crime may seem relatively straight forward. But international criminal law is complex. Bassiouni says you have to sift through some of the most horrific personal stories and listen with a calculating legal ear. I asked Bassiouni how do you even being to investigate a war, where do you start?

MCB: We started at the hospitals because it meant that we would deal with people who were injured and people who were injured would be either in the front lines or they would be the most likely victims of an abusive regime.

AB: War investigators do what journalists do, they interview people and collect stories in an attempt to get at the truth. Bassiouni said that while he listens to every person's story with empathy, he takes everything he hears with a grain of salt because even victims sometimes lie.

MCB: Every historian will tell you, you never get the full picture. You get a sampling and from the sampling you write a bigger narrative.

AB: Bassiouni and his team interviewed some three hundred people who had been involved in the war, from victims to prisoners, to rebels to government officials, in an attempt to piece together the bigger narrative in Libya. But Bassiouni says it's some of the smaller stories that stick and there is one scene in particular that still haunts him.

MCB: A scene of a ditch where there were nine bodies. The nine bodies were all burned up and the nine bodies looked like they were children. And as I started looking closer to the pictures and talking to the doctors who did the medical reports, turns out they were adults. Apparently, these adults had been killed by a phosphorus bomb and a phosphorus bomb basically burns everything in a person. It burns the skin, but it also burns the bones. It takes the liquid out of everything and here's persons that are just a heap of burned ash. Horrible, horrible scenes.

AB: After listening to a number of stories of unconscionable atrocities in Libya, Bassiouni concluded that crimes against humanity had been committed there. I asked him to give me an example of one of the specific crimes he tracked down and how he was able to prove that a crime against humanity was committed.

MCB: For example, you go to a hospital and in a bed there is a little girl, four years old that's injured. And there's a father sitting next to her and you say, how was your baby injured. And he says well you know I was standing in front of my house and my baby was playing next to me and suddenly out of nowhere a mortar shell came. Well the next question becomes whether, you know, that's true. So you know, you go to the location and you see whether there was a trace of a mortar shell fallen. And you say, okay well where is this house from let's say the front and you say well, the front is several miles Why would somebody be bombarding a civilian area. When that pattern gets repeated many times, this is not an occasional shell that somebody fired by mistake. You know that there's a policy.

AB: While Bassiouni's investigation may eventually be used by the International Criminal Court to prosecute members of the Qadhafi regime, Bassiouni says the purpose of the investigation is to set a historical record of what happened in Libya and of equal importance what didn't happen. What made headlines was the charge that Qadhafi's troops were using rape as a weapon of war. But Bassiouni says during his investigation he found no evidence to prove that this was true. And this friction between the sensational allegations that make headlines and the hard and sometimes unpopular truth complicates the job of the war investigator.

MCB: You never can have reconciliation without having the truth established. You can never have reconciliation without really bringing harms like this to closure. The problem is that you sometimes also have to debunk many of the allegations that are made which are exaggerated. Not to say that it's not important. It is important if it's there, but its not important if it's made up.

AB: Bassiouni says that while his job is primarily a legal one, he hopes his investigation serves something of a spiritual purpose as well. A society must have closure he says, and you can't have that without knowing the truth. For the World, I'm AB.