

Saddam's victims to sue AWB

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DISGRACED Australian wheat exporter AWB is facing a new class action by victims of crimes perpetrated by Saddam Hussein's regime in Iraq.

The lawsuit is the latest in a series of class actions against AWB, found by the Cole inquiry last year to have knowingly paid millions of dollars worth of kickbacks to Saddam's regime to secure lucrative wheat export contracts.

Lawyers for Iraqis Saadya Mastafa and Kafia Ismail allege AWB and its US arm contributed to injuries and damages they sustained because of the almost \$300 million in kickbacks the agricultural company paid to the dictator's regime.

The action, filed in the US District Court in New York on behalf of Saadya Mastafa and Kafia Ismail, as well as their surviving immediate family members, further names France-based bank BNP Paribas, which also paid kickbacks to the regime.

While no further details of the class action were immediately available, it relates to crimes perpetrated in Iraq from 1996 to 2003.

The action is yet to be served on AWB, but the company said any such suit would be "vigorously" defended.

The action alleges AWB and its fellow defendants contributed to the plaintiffs' injuries and damages "by giving substantial assistance to the Saddam regime, contrary to the law of nations".

"The damages alleged to have been suffered by the plaintiffs are unspecified," AWB said.

AWB is already facing at least three

other class actions, including one in Australia by former shareholders who lost money on AWB shares, and who are claiming damages for alleged non-disclosure of material information.

Another class action by US wheat farmers seeks hundreds of millions of dollars in compensation, amid accusations the wheat exporter engaged in racketeering, money laundering, fraud and bribery.

AWB said today it had lodged a motion in the US District Court to dismiss the US farmers' action, and has lodged its defence in Australia's Federal Court over the Australian case.

AWB said it would shortly seek to dismiss another action against it and Paribas by plaintiffs in northern Iraq, who claim the payment of kickbacks cheated Iraqis out of humanitarian aid.

Much of the legal action against AWB has focused on its business decisions, including breaching the UN sanctions in place until Iraq was invaded by the US and its coalition allies in 2003.

But the latest suit will again raise accusations that AWB's kickbacks to the Saddam regime helped the dictator carry out human rights abuses.

AWB inquiry head Terence Cole, handing down his report last November, cleared AWB of possible terrorism-related charges related to the kickbacks.

Mr Cole found that while AWB knowingly paid kickbacks to Saddam, there was no evidence to suggest the wheat exporter knew what the money would be ultimately used for.

He rejected arguments AWB might

have breached Australian law by intentionally providing funds to Iraq and being “reckless as to whether the funds would be used to facilitate or engage in a terrorist act”.

AWB argued there was no evidence it knew how the Iraqi regime had used the money it paid.

Internal AWB emails revealed during the Cole inquiry showed one executive joked about the possibility of AWB money being used to build bunkers to bury Kurds, an ethnic minority in Iraq targeted by Saddam.

“The bunkers will have cement walls and floors so they are actually designed for burying the Kurds,” the email from AWB executive Daryl Borlase to a range of other AWB staff said.

“Under the cement?”

“They intend to build them with fumigation capability so the mind boggles as to whether they are fumigating insects or any other pest that pisses them off.”