

**SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE**



“Singing’ in the Rain”. Photographer: Ray Cardinal

PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office

as at:

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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

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United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

**UNMIL Public Information Office Complete Media Summaries
23 July 2008**

[The media summaries and press clips do not necessarily represent the views of UNMIL.]

Newspaper Summary

Armed Robbers Face Death Penalty as President Sirleaf Gives final Approval

(The Analyst, New Democrat)

- President Ellen Johnson Sirleaf has signed into law an act, making armed robbery, terrorism and hijacking capital offenses. Under Liberian law, capital offense is punishable by death or life imprisonment.
- The President approved the Bill despite a request by an internationally acclaimed human rights group, Amnesty International, for President Sirleaf to veto the Bill on grounds that the legislation is in bad faith, and entirely inconsistent with the purpose of the Protocol to which the Liberian government acceded, which aims to abolish the death penalty.
- The armed robbery bill gained momentum after the rising spate of armed crimes, which left peaceful residents across Monrovia raped and wounded. The Presidential approval of the Bill follows an overwhelming public approbation for its passage by the national legislature coupled with a mounting pressure from the population for the government to fight the wave of armed robbery, particularly in Monrovia and surrounding communities.

Man Arrested for Selling Military Hardware to Civilians – Two UNMIL Soldiers Allegedly Linked

(The Heritage, Informer, The Analyst, The Public Agenda)

- Police in Monrovia have arrested a 28-year-old man - Maxwell Junius - in connection with the illegal sale of military hardware.
- Junius has been charged and forwarded to court for prosecution.
- According to Police charge sheet, defendant Junius was arrested Tuesday while attempting to sell military outfits to some civilians in the Bushrod Island area.
- The charge sheet also revealed that the defendant admitted to receiving eight military suits and three military belts allegedly from an UNMIL soldier he identified as Abinokhaumo Raphael and two military sleeping kits from a Filipino UNMIL soldier who was not named but said to be at large.
- The uniforms, according to The Informer newspaper, were sold for US\$35.00 each and proceeds from the sales were to be given to Raphael and the Filipino soldier, with the understanding that the defendant was to be compensated after the deal.

Liberia Experiencing Slow Economic Growth – Central Bank Says

(The News)

- [sic] The Central Bank of Liberia (CBL) says the Liberian economy was projected to grow by 9.6 percent in 2008 from 9.5 percent in 2007 but following adjustments to growth projections from major contributing sectors, it is expected to grow by about 8.8 percent in 2008. The bank noted that the decline in growth estimate is on account of slow pace of activities in the mining and forestry sectors, which were expected to propel growth in the economy. The bank's latest disclosure is contained in its quarterly Financial and Economic bulletin covering the period January-March 2008, released to the media Tuesday in Monrovia. The bank noted that generally, the performance of the real sector of the economy was quite moderate as the

production of some key commodities increased, while others declined. It said the production of the agriculture sector remained sluggish during the reporting quarter (January-March, 2008), and that despite the inadequacy of public electric generating capacity, performance of the manufacturing sector exhibited improvement, shipping operations increased, indicating a rise in external trade. "With the hike in global food and oil prices, in addition to other domestic structural factors, the rate of inflation during the quarter grew to 15.2 percent, from 9.9 percent in the preceding quarter," CBL noted. The CBL further noted that while performance of the agriculture sector was weak during the quarter, the production of rubber increased marginally, and actual activities in the forestry sub-sector are yet to begin in full, owing to ongoing preparations of guidelines to govern the logging industry. However, pit-sawing continues to grow due to the heightened domestic demand for timber and timber related products. "The fishing sector is plagued with a number of constraints, which brought actual mechanized fishing to a standstill with artisanal fishing being largely the means of domestic fish production," the bank added. The bank reported that rubber production during the quarter totaled 20.808 metric tons compared to 20.615 metric tons produced in the last quarter of 2007, adding that this marginal increase of 0.9 percent was partly a result of the return of relative stability in the various plantations after a series of strikes by employees of the sector. Production a year earlier exceeded current production by 42.7 percent, the bank noted.

Political Parties Women Launch Assistance Fund

(The News)

- Political parties women in Liberia under the banner "Coalition of Political Parties Women in Liberia" (COPPWIL) has launched what it calls "Women Political Participation Assistance Fund" gears towards funding women candidates in upcoming elections especially in 2011 general and presidential elections.
- The National Coordinator of COPPWIL, Ms. Marayah L.W.M. Fyneah told The NEWS recently that the purpose of the assistance fund drive is to financially support women candidates in their quest for leadership positions in society.
- She recalled that during the 2005 presidential and general elections women candidates were not financially potent to fund their campaigns thus posing serious problem for them during the process.
- She disclosed that an account has been opened at the Liberian Bank for Development and Investment (LBDI) for the purpose of saving money the organization would receive from donors.
- Ms. Fyneah said money that would be generated for the women political participation assistance fund will be used to support women candidates during elections.

Radio Summary

Star Radio *(News culled today from website at 11:00 am)*

Armed Robbery now a Capital Offense in Liberia

(Also reported on Truth F.M. and ELBC)

Justice Minister Says Liberia's security is improving

- Justice Minister Phillip Banks says the security situation in the country is improving following the recent upsurge in armed robbery.
- Minister Banks said over the past days there has been a reduction in the number of armed robbery attacks.
- According to him, the government has put into place an effective measure to tackle the wave of armed robbery. The Attorney General said security forces would continue to fight armed

robbery.

- Cllr. Banks spoke to reporters Tuesday after hours of closed door discussion with members of the House of Representatives.
- He welcomed the passage of the Armed Robbery Act by the Legislature and indicated that the move would help in dealing with armed robbers.

Angry Crowd attacks City Police sub-office

- [sic] Hundreds of angry youths believed to be street sellers Tuesday attacked the sub-office of the City Police on Broad Street. Our reporter on the scene said the youths threw stones and destroyed documents in the offices. It is not clear why the youths resulted to the violent action. However, Star Radio gathered that the angry youths vented out their frustration in protest to the seizure of their goods. The enforcement of City Ordinance to clear the streets of petty traders usually faces resistance from the traders. Authorities of the City Police have spoken on the violence but the situation was put under control by personnel of the Liberia National Police backed by the UNMIL.

Opposition Party Doubts NEC Chairman's credibility preside over 2011 elections

- [sic:] The Liberty Party says the Chairman of the National Elections Commission is not credible to preside over the 2011 Presidential and General elections. The Party said Mr. James Flomoyan has demonstrated that he is neither objective nor impartial to preside over the elections. A statement issued by the party said the NEC Chairman is quoted as saying the current leadership of the opposition Liberty Party is unconstitutional and lacks legitimacy. The party said Mr. Flomoyan told a news conference that the constitution provides for an election of party's officials at least once in six years. According to the party, NEC claimed the leadership of the Liberty Party was instead handpicked by Cllr. Charles Brumskine in contravention of the constitution. The party said Mr. Flomoyan is clearly beyond redemption as he obviously believes that he is serving well the interest of the power that be. The opposition Liberty Party accused the election commission of attempting to destroy the party, which it believes is the alternative voice for the people of Liberia. In its reaction, the National Elections Commission dismissed the claims by the Liberty Party that its chairman James Flomoyan is not credible. NEC's spokesman Bobby Livingstone said the past record of the commission shows that it has not demonstrated any form of partiality. Mr. Livingstone recalled the commission under Mr. Flomoyan has conducted two separate by-elections that the Liberty Party and the Congress for Democratic Change won. The NEC's spokesman however, maintained that the current leadership of the Liberty Party was put in place outside of constitutional provision. Mr. Livingstone called on the Liberty Party to concentrate on what he considered its deficiency.

Orphanage official Faces Rape Charge

- Police in Gbarnga, Bong County have charged the Deputy Coordinator of the St. Peter Orphanage for raping one of the orphans.
- Mr. James Chowoi allegedly raped the eleven-year old girl on Friday while she was in her bedroom at the orphanage.
- Mr. Chowoi denied the allegation but Police preliminary investigation established that he committed the act.
- Mr. Chowoi allegedly abused three other orphans sexually before being arrested for the latest act. He has been sent to the Gbarnga Magisterial Court for prosecution.
- Meanwhile, a human rights group said it would collaborate with other child protection agencies to speedily prosecute the alleged perpetrator.
- The Foundation for International Dignity said if it is established that the act was committed, it would ensure that all the children leave the orphanage and reunite with their biological parents.
- The foundation said while it supports the accommodation of war affected children, it does not appreciate any act that relegates the children to sex slavery.

Government breaks ground for new Culture Center

- President Ellen Johnson Sirleaf has broken grounds for the construction of the National Culture Center for Liberia.
- Madam Sirleaf believes when completed the center would represent the true culture of Liberia and be a place that all Liberians can be proud of.
- The Center is being constructed on fifty acres of land in Ben Town, Margibi County and would have a theater, school, clinic among other features.
- Government acquired the land for what Information Minister Laurence Bropleh called a low price from the people of Ben Town.
- According to Minister Bropleh, seven hundred thousand US dollars is needed to fully construct the Center.
- He said construction work will begin as soon as additional funding is secured.
- Dr. Bropleh said a little amount has been allocated in the budget for the construction and called on all partners to give their support.
- The groundbreaking for the construction of a new culture center comes months after the Kendeja Culture Center was relocated and the land leased.
- The land was leased to American Billionaire Robert Johnson to build a four Star Hotel, a deal which was highly criticized.

(Also reported on Truth F.M. and ELBC)

CNN

Wednesday, 23 July 2008

Karadzic to defend himself in war crimes court **Story Highlights**

BELGRADE, Serbia (CNN) -- Former Bosnian Serb leader Radovan Karadzic plans to defend himself before a U.N. war crimes tribunal, his lawyer said Wednesday after his arrest brought to an end the decade-long hunt for Europe's most wanted man.



1 of 3 Serbian officials said Karadzic is expected to be handed to the U.N.'s International Criminal Tribunal for the former Yugoslavia in The Hague, Netherlands, this weekend or early next week, pending appeal.

Karadzic, 63, is accused of ordering the deadly siege of Sarajevo and some of the worst atrocities in Europe since World War II including the 1995 massacre of 8,000

Muslims in Srebrenica

His lawyer Sveta Vujacic, who has already challenged official accounts of the arrest of the man known as the "Butcher of Bosnia," said he would fight the extradition.

Karadzic has until Friday to launch his appeal, after which a Serbian war crimes court will have a further three days to rule on it.

Nationalist former Serbian Prime Minister Vojislav Kostunica also criticized the arrest of Karadzic, calling the Hague tribunal illegitimate, AP reported.

Kostunica was accused by rivals of blocking the capture of war criminals during his two terms in office. He has not made any public appearances since Karadzic's arrest on Monday. Watch what's next for Karadzic »

In an interview with the newspaper Vecernje Novosti published Wednesday, Kostunica said the court in The Hague "no longer has legitimacy" because of what he called an anti-Serb bias, AP said.

Serb authorities say Karadzic -- in disguise and using a false identity -- was working at a medical practice in Belgrade prior to his arrest.

Karadzic was so convinced of his disguise he regularly contributed to a health magazine as he brazenly built up his profile as an alternative medical guru, appearing at public seminars and writing a magazine column.

His arrest has been hailed as a landmark for international justice and for Serbia, whose new government has pledged to bring its wanted war criminals to justice as a condition of membership of the European Union.

Karadzic -- last seen in public in 1996 -- was the Bosnian Serb political leader during the 1992-1995 war that followed Bosnia-Herzegovina's secession from Yugoslavia.

While president of the so-called Serbian Republic of Bosnia-Herzegovina, Karadzic's troops were reported to have massacred hundreds of thousands of Muslims and Croats during a campaign of "ethnic cleansing." Follow a timeline on Karadzic »

Early estimates of the death toll from the 3-year war ranged up to 300,000, but recent research reduced that to about 100,000.

Karadzic's arrest leaves former Gen. Ratko Mladic, the Bosnian Serb military commander, as the top-ranking war crimes suspect still at large.

Karadzic, a one-time psychiatrist and self-styled poet, declared himself president of a Bosnian Serb republic when Bosnia-Herzegovina seceded from Yugoslavia in 1992.

The Bosnian Serbs, backed by the Serb-dominated Yugoslav military and paramilitary forces, quickly seized control of most of the country and laid siege to Sarajevo, the capital.

During the conflict that followed, the Serb forces launched what they called the "ethnic cleansing" of the territories under their control -- the forced displacement and killings of Muslims and Croats. See a map of the Balkans today »

He was removed from power in 1995, when the Dayton Accords that ended the Bosnian war barred anyone accused of war crimes from holding office.

BBC

Wednesday, 23 July 2008

Sudan president defiant in Darfur

Sudan's president has said he is "not worried" by International Criminal Court (ICC) accusations against him, during a rare visit to Darfur.

Omar al-Bashir made the comments at a rally in the northern town of Fasher shortly after the start of his trip.

ICC Chief Prosecutor Luis Moreno-Ocampo sought an arrest warrant against Mr Bashir last week on charges including genocide and war crimes in Darfur.

Sudan has said it does not recognise the ICC or its decisions.

Meanwhile, the Arab League said Sudan had agreed to set up special courts to deal with Darfur.



Mr Bashir addressed crowds of supporters during a tour of Fasher

Diplomatic offensive

During his trip to the region, Mr Bashir is to visit a series of aid projects, accompanied by officials and ambassadors.

"We're here to send a message to the world, we're people of peace, we want peace, we're the ones who make peace," Mr Bashir told supporters in Fasher.

"Ocampo talk does not worry us," he said. "We know who's behind him and who's pulling his strings."

BBC Africa editor Martin Plaut says the visit is an opportunity for Mr Bashir to show his concern for the region, and for people there to express their affection for him at popular ceremonies.

Sudan has been on a diplomatic offensive since the ICC announced its charges, winning the backing of the Arab League and the African Union, our Africa editor says.

'Liar'

Mr Moreno-Ocampo has accused the Sudanese leader of running a campaign of genocide that killed 35,000 people outright, at least another 100,000 through a "slow death" and forced 2.5 million to flee their homes in Darfur.

During Wednesday's rally in Fasher, Mr Bashir's supporters chanted "liar, liar, Ocampo".

"We will continue developing Darfur and will pump out its oil," the president told them.

“ We will continue
developing Darfur
ut ”

Sudanese
President Omar
al-Bashir

"They want us to be a lackey of the government of America."

The US, which is not a member of the ICC, had previously offered some praise for Mr Moreno-Ocampo's move.

Sudanese Vice-President Ali Osman Taha said last week that the evidence was false and indicated Sudan could try to halt the court's work.

Sudan's government denies mobilising Arab Janjaweed militias to attack black African civilians in Darfur since rebels took up arms in 2003.

The African Union has called for the United Nations Security Council to suspend the accusations, while the Arab League said they set a dangerous precedent.

Special courts

The AU supplies most of the 9,000 peacekeepers in Darfur. The UN took joint control of the operation at the start of the year but the violence is continuing.

On Wednesday, the Arab League said Sudan had agreed to set up special courts to try alleged human rights abuses in Darfur.

A senior official for the Arab League, Hisham Yusef, said Sudan had also agreed to allow the trials to be monitored by international bodies.

Mr Moreno-Ocampo has said he is also investigating leaders of Darfur rebel groups suspected of attacking peacekeepers last year in the southern town of Haskanita.

On Wednesday, the leader of southern Sudan, Salva Kiir, urged the ICC to delay Mr Bashir's indictment and allow time for a peace agreement with former southern rebels, Reuters news agency reported.

Fighting in an oil-rich area on the border of southern Sudan has recently threatened to derail a 2005 peace accord that ended 21 years of civil war - a separate conflict to that in Darfur.

"The Sudanese government should be allowed to implement the accord signed with the South Sudan government and to negotiate with the fighting forces in Darfur," Mr Kiir said.



BBC Online

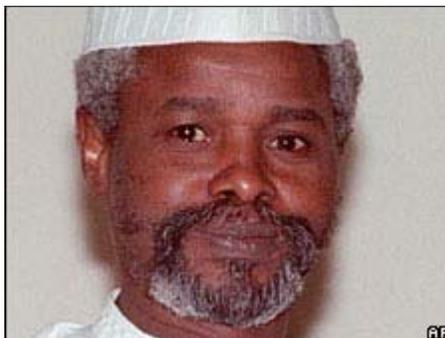
Thursday, 24 July 2008

Senegal 'ready' for Habre trial

Senegal says it has moved a step closer to trying Chad's former leader Hissene Habre, appointing judges and passing an empowering bill.

Mr Habre has been living in exile in Senegal's capital under nominal house arrest since fleeing Chad in 1990.

Sometimes dubbed "Africa's Pinochet", he is accused of human rights abuses during his eight years in power.



Hissene Habre's regime is accused of widespread atrocities

Senegal has also appealed for financial help from international donors to conduct the trial.

The measures approved on Wednesday allow a 2007 law permitting the prosecution of genocide, crimes against humanity, war crimes and torture to be applied to events in the past.

"We have witnessed a joint session of the parliament which gave us the legal basis to try President Habre," said Justice Minister Madicke Niang.

Mr Niang said Senegal needed 18bn CFA francs (\$43m) to proceed with the trial.

"Donors have not given us anything yet," he said.

Reed Brody of Human Rights Watch said that Senegal now had "one of the world's strongest laws for prosecuting atrocities".

The group welcomed the new measures, though it noted that it was two years since the African Union asked for Mr Habre to be tried, and more than eight years since he had first been indicted in Senegal.

Mr Habre was deposed in an uprising led by current President Idriss Deby, and denies knowledge of the alleged murder and torture of political opponents.

A commission of inquiry said his government was responsible for some 40,000 politically motivated murders and 200,000 cases of torture.

There have been a number of international efforts to bring him to justice, but Senegal has always refused to accept any extradition requests.

BBC Online

Thursday, 24 July 2008

Court wants exemplary Karadzic trial

By Chris Stephen

The arrest of Radovan Karadzic has given Hague Tribunal prosecutors the chance to win a landmark case against a man accused of orchestrating the horrors of the Bosnian war.

The tribunal has already jailed generals, warlords and paramilitary thugs in cases that have revolutionised international justice, but it has yet to convict one of the masterminds.

Many think that chance was missed with the case of former Yugoslav President Slobodan Milosevic.

Accused of orchestrating three separate wars in Bosnia, Croatia and Kosovo, Milosevic's trial dragged on so long - four years - that in March 2006 he died of heart failure before it could finish.

For supporters of the court, the arrest of Mr Karadzic gives prosecutors a second chance.



Radovan Karadzic is accused of ordering "ethnic cleansing"

Civilians targeted

The crimes the former Bosnian Serb president is accused of ordering are already seared into the public consciousness.

First is the siege of Sarajevo, where about 12,000 people, including 1,000 children, were killed by indiscriminate Serb shelling and sniper fire.

THE CHARGES

Eleven counts of genocide, war crimes, crimes against humanity and other atrocities
 Charged over shelling Sarajevo during the city's siege, in which some 12,000 civilians died
 Allegedly organised the massacre of up to 8,000 Bosniak men and youths in Srebrenica
 Targeted Bosniak and Croat political leaders, intellectuals

Then there are charges that he set up the camps into which Bosnian Muslims (Bosniaks) were herded to be tortured, starved and killed.

And thirdly is the 1995 massacre at Srebrenica, where Serb forces rounded up and killed up to 8,000 unarmed Bosniak men and boys, burying their bodies in mass graves in forests around the town.

Mr Karadzic is accused of ordering these crimes as part of a plan to "ethnically cleanse" Bosnia. Serb forces grabbed territory from Bosniaks, most of whom are Muslims, and see themselves as the original, centuries-old Bosnian nation.

Proving the atrocities themselves will be the easy part: the horrors of the Bosnian war have already been copiously documented in earlier trials.

Convictions came after prosecutors wove a complex tapestry of evidence combining eyewitnesses, radio intercepts, satellite photographs, captured Serb documents and DNA taken from mass graves.

More difficult may be pinning the crimes on Mr Karadzic, who may argue that as the civilian head of his self-proclaimed state, he had no control over the army.

Prosecutors insist he shared responsibility with his former army commander, Ratko Mladic, indicted on many of the same charges, and still at large in Serbia.

Genocide definition

Particularly difficult may be proving the most serious accusation, that of genocide.

Nicknamed the "crime of crimes", genocide is a difficult charge to make stick because it requires proof not just of atrocities, but that these atrocities were part of an attempt to "destroy in whole or in part" a specific group - in other words, prosecutors have to get inside the mind of the accused.

Hague judges have already ruled that ethnic cleansing, despite its brutality, did not amount to genocide, because the intention was to deport rather than annihilate the Bosniaks.

Only with Srebrenica have they agreed genocide took place. But even here the only two genocide convictions, of former Serb army officers, were for the lesser offences of complicity or aiding and abetting genocide.

But prosecutors are confident that with Mr Karadzic, they will secure a full-blown genocide conviction, arguing that he was the architect of the slaughter.

Easing the workload for the court, the UN has already decided that the court's 2010 closure date will be extended to allow trials of Mr Karadzic and other indictees to finish.

Unlawfully deported and transferred civilians because of national or religious identity

Destroyed homes, businesses and sacred sites

After Karadzic, is Mladic next?
Profile: Radovan Karadzic
Serbia's 'News Story of the Year'



Sarajevo was under siege for nearly four years

Mr Karadzic, facing a possible life sentence if convicted, is unlikely to make it easy for the prosecutors, having said that he plans to run his own defence.

Milosevic did the same thing, as was his right, causing serious delays to proceedings.

Rights groups meanwhile see a political dimension to the case, hoping that if it goes well it will persuade sceptical world leaders that war crimes justice is a cause worth backing.

Mr Karadzic is not the only high-profile defendant on trial in The Hague. A few miles away, in premises rented from the International Criminal Court, the Sierra Leone Special Court is trying former Liberian President Charles Taylor on charges that equal Mr Karadzic's for brutality.

Former Hague tribunal prosecutor Richard Goldstone once described the international community as his "arms and legs", arguing that without the backing of world leaders, he was powerless to secure the arrest of top suspects.



Bosnian Serb forces waged a brutal campaign against Bosniaks and Croats

It was these "arms and legs", in the form of pressure from the European Union, that helped drive Serbia to arrest Mr Karadzic.

But critics say such pressure is missing in the case of Sudan, where the United Nations has refrained from sanctions to force Khartoum to hand over its president, Omar al-Bashir, accused last week by International Criminal Court prosecutors of genocide.

Good results in the Karadzic and Taylor cases will, rights groups say, be a powerful advertisement for the cause of international justice.

"Two good trials are needed," says Richard Dicker, director of international justice at New York-based Human Rights Watch. "By 'good trials' I mean a sharp posing of contradictory evidence. These international tribunals have worked, you can't make that point enough." *Chris Stephen is author of Judgement Day: The Trial of Slobodan Milosevic, published by Atlantic Books in 2004.*

The Daily Star (Lebanon)

Thursday, 24 July 2008

<http://www.dailystar.com.lb/article.asp?edition>

Despite complaints, international justice is advancing

By Aryeh Neier

It is only a little more than 15 years ago that the first of the contemporary international courts was created to prosecute those who commit war crimes, crimes against humanity, and genocide. That court, the International Criminal Tribunal for the former Yugoslavia (ICTY), may soon mete out justice to a new defendant, following the arrest in Belgrade of Radovan Karadzic, the wartime leader of Bosnia's Serbs.

Yet there is already a persistent theme in criticism of such tribunals: In their effort to do justice, they are obstructing achievement of a more important goal, peace. Such complaints have been expressed most vociferously when sitting heads of state are accused of crimes. The charges filed by the prosecutor of the International Criminal Court (ICC) against Sudanese President Omar Hassan al-Bashir for crimes against humanity and genocide in Darfur are the latest example. Indeed, the denunciations of the justice process this time are more intense and more vehement than in the past.

The complaints were also loud in 1995 when the prosecutor of the ICTY indicted Karadzic and his military chief, General Ratko Mladic, and even louder when they were indicted again in the same year for the massacre at Srebrenica. The timing of that second indictment especially aroused critics, because it came just before the start of the Dayton peace conference. Facing arrest, Karadzic and Mladic did not go to Dayton.

But, as matters turned out, their absence did not hinder the parties from reaching an agreement. Indeed, it may have helped as the leaders of Bosnia, Croatia, and Yugoslavia negotiated an end to the war in Bosnia.

In 1999, the ICTY indicted Slobodan Milosevic, the president of Yugoslavia, for crimes committed in Kosovo. Again, there were denunciations that focused on timing. NATO's intervention in Kosovo was under way, and critics claimed that prosecuting Milosevic made the tribunal an arm of NATO and would prevent a settlement. That prediction was wrong. Milosevic capitulated two weeks after he was indicted, and the war ended.

The next sitting head of state to be indicted was Liberian President Charles Taylor. Although the prosecutor for the Special Court for Sierra Leone indicted Taylor in March 2003 for his crimes in the war that had devastated that country, the indictment was not disclosed publicly until three months later. Again, timing was a principal factor in sparking outrage. The indictment was made public in June 2003, while Taylor was attending a peace conference in Ghana that was intended to settle the civil war in his own country.

As hosts of the conference, the Ghanaians were particularly incensed at being asked to make an arrest under such circumstances, and refused to do so. Though it is possible to sympathize with the Ghanaians, who were placed in a very awkward position, the indictment intensified demands for Taylor's removal. He fled into exile in August, effectively ending the war. Taylor is now being tried in The Hague, and, after two decades of horrendous conflict, Liberia is at peace and rebuilding under a democratic government.

We cannot rule out the possibility that doing justice in Darfur will make it more difficult to achieve peace there. Justice and peace are independent values. Each is immensely important in its own right. In the long run, doing justice seems a way of contributing to peace, but one cannot be sure that things will work out that way every time.

On the basis of the record so far, however, some skepticism seems in order over the claim that justice will obstruct peace. After all, the conflict in Darfur has been under way for five and a half years. An estimated 300,000 people have been killed by forces ultimately controlled by Bashir, and an estimated 2.7 million have been forcibly displaced. Just a week before the indictment, seven African Union and United Nations peacekeepers were killed and 22 injured during an ambush by well-armed militiamen. No peace settlement is under serious consideration. So what basis is there for suggesting that the indictment of Bashir is obstructing a settlement? What settlement is there to obstruct?

It should be noted that the Darfur case was referred to the ICC by the UN Security Council. The treaty establishing the ICC empowers the Security Council to delay a prosecution if this is needed to bring about a peace settlement. So critics of the indictment should at least be made to bear the burden of demonstrating to the Security Council that a peace settlement is likely if they wish the council to act.

The world embarked on the creation of international criminal tribunals a decade and a half ago in order to end the impunity with which heads of state and leaders of guerrilla groups commit atrocious crimes. As the arrest of Karadzic shows, that effort is gradually succeeding. The indictment of Bashir, who is as entitled to the presumption of innocence as any other defendant, is another important milestone on the long road that must be traveled to reach the goal that the world set for itself.

Aryeh Neier, the president of the Open Society Institute and a founder of Human Rights Watch, is the author most recently of "Taking Liberties: Four Decades in the Struggle for Rights." THE DAILY STAR publishes this commentary in collaboration with Project Syndicate (c) (www.project-syndicate.org).

Human Rights Tribune

Wednesday, 23 July 2008

<http://www.humanrights-geneva.info>

'No Peace Without Justice'

Dorota Gierycz. Photo © 23 July 08 - In the aftermath of massive human rights abuses such as the Srebrenica massacre, the Rwanda genocide, or in Liberia and northern Uganda, the search for justice and reconciliation can be a controversial and dangerous business explains Dorota Gierycz, former representative of the U.N. high commissioner for human rights in Liberia

Tarjei Olsen/IPS, Oslo - Atrocities in places such as Africa and the Balkans have increasingly put the focus on transitional justice, a range of approaches to address past massive human rights violations, that includes international tribunals, reconciliation commissions and truth-seeking measures.

While transitional justice may be necessary and important, judicial approaches have been accused of endangering fragile peace processes by threatening the perpetrators, while some fear that non-judicial means let murderers get away.

Transitional justice approaches are divided into judicial and non-judicial bodies. Judicial approaches include permanent bodies such as the International Criminal Court (ICC), ad-hoc bodies such as criminal tribunals for former Yugoslavia and Rwanda, as well as hybrid local and international courts as in Sierra Leone.

Non-judicial approaches are dominated by Truth and Reconciliation Commissions (TRCs), for instance in South Africa, that focus on understanding the conflict and on reconciling victims and perpetrators. Transitional justice also includes institutional reforms, as of the judicial and security sectors.

In Liberia a TRC has been employed, as well as judicial and security sector reform, in the search for justice and reconciliation following that country's brutal civil war. IPS correspondent Tarjei Olsen spoke to Dorota Gierycz, the former representative of the U.N. high commissioner for human rights in Liberia, about her experiences with transitional justice and lessons learned. Gierycz has just written a working paper on transitional justice as visiting researcher at the Norwegian Institute of International Affairs (NUPI).

What does transitional justice mean to you, and what did you learn from Liberia?

These are situations where, on the one hand, there is a desperate need for a new beginning, and I believe that this is only possible when you also assess what happened and why it happened. This is why the question of justice, and therefore of allowing societies to move on, comes into the picture.

On the other hand this is a very controversial issue, because some very traditional approaches to peace building are that 'ok, we have a fragile peace, and if we start talking about the past, if we start looking into causes and talking about crimes which were committed, it will probably hamper reconciliation.' I am of a different opinion, because I believe that yes, there is a very difficult initial period when there is this kind of tension between justice and peace, but in the long run there can be no peace without justice, and if we just keep pushing things under the rug there will be no room for genuine understanding and consolidation of the society and democracy.

Transitional justice as a principle is a good principle, but it can go both ways depending on how it is applied in practice. I think we should really do our best to help transitional justice, both as a concept and as an institution, to help and not to divide.

Are TRCs too soft on the perpetrators of atrocities by relying more on public confessions and on reconciliation than on judicial punishment such as imprisonment?

I think that there is a misunderstanding here, because the TRC with which I was involved in Liberia explicitly mandated that grave violations of human rights — genocide, war crimes, and crimes against humanity — are excluded from any future amnesty. With the ICC deciding on doctrine, these categories of crimes are practically excluded from amnesties. The cases of Milosevic and of Charles Taylor show that the general international rules are still applied. (Former Yugoslav president Slobodan Milosevic was prosecuted at the ICC following the Bosnia and Kosovo conflicts, but died of natural causes before the end of the proceedings. Former Liberian president Charles Taylor is currently facing prosecution by the Special Court for Sierra Leone for his alleged role in the civil war there.)

What about the opposite accusation, that judicial proceedings risk reigniting conflicts? Take northern Uganda — the ICC is refusing to drop its war crimes charges against the leaders of the rebel Lords Resistance Army even though they are refusing to give themselves up unless the ICC does so.

Look, for me this is where we started our discussion. There is a kind of tension, but I personally believe that there are certain very basic principles which are included in human rights standards, and which everybody in a way accepts because all these countries are members of the U.N. I think it is increasingly understood and felt that there are certain crimes which go beyond what can be forgiven and forgotten, because it would be very difficult for people on the ground to accept it.

I think there are some let's say lower crimes — during the war people are killing each other, it's tragic — but I still think that these sorts of crimes can be much more a subject of forgiveness. But when you get a situation where somebody is hijacking the country or hijacking a group and committing systematic atrocities and abuses against local populations, then I think that that should be a matter for the ICC. Justice should be delivered; these perpetrators should not be forgiven like those of some so-to-say smaller crimes.

And I have doubts as to whether it really is the people on the ground that want the perpetrators of atrocities to be forgiven. Who is speaking on behalf of these people? Did anyone really talk to them? Are people on the ground in northern Uganda free to express their views, or do they fear that the warlords will be back and that they will be punished? In Liberia people were saying that if Charles Taylor was apprehended, people would rise up against it and there would be a security threat, but it never happened. I have no proof or indication that they were anything but glad that Charles Taylor was apprehended.

But reports from northern Uganda indicate that at least some of the local populations want the ICC to pull out, because they are afraid that if it does not then the conflict will continue as the Lord's Resistance Army leaders will not give themselves up?

But you see this is giving in. This is because of brute force and not because of conviction. Yes it is a difficult aspect, but I think that in a way it confirms my point. For example, in Liberia some people that were alleged to have committed war crimes were elected to the parliament, which I think is the same mechanism of force and not conviction. But the people who elected them were very happy that Charles Taylor was arrested because the 'danger' was removed. So when it comes to northern Uganda I think that we can only see how people feel about it when the 'danger' is removed. Otherwise it's a survival mechanism, which of course is natural if people are oppressed for years — they have to survive.

Would you say that the requirements for successful transitional justice programmes are different in different places?

Yes. One of my conclusions is that we really have to go case by case. For instance, when is a TRC needed and which kind? Or is it a tribunal? Is it a national tribunal or a mixed tribunal? Should it be the ICC? At which point during the conclusion of the conflict should it be established? These sorts of evaluations are very important when you work in the field.

Are there enough of these local evaluations, or is there too much reliance on general blueprints?

There is a lot of descriptive work in this area but not so many analytical pieces based on analysis of very concrete cases. I would like to see a few cases very thoroughly analysed to see what worked and what didn't work. For example, if we had had some very practically formulated conclusions from Sierra Leone, it would have helped my colleagues and I very much in Liberia when we were dealing with the TRC.

Who should do these analyses and with whom?

It should be independent academic institutions, because all of us, the courts, the commissions, the U.N., we are part of the structure. There should be very independent assessments based on very thorough discussions with all stakeholders — the U.N., the courts or commissions, and very much the civil society. Not only civil society elites but across the board.

Is it important to involve civil society?

Yes, I think so. In general there is insufficient involvement of civil society, meaning the majority of societies, which in many countries are people with a very low level of education, who are far from the cities, far from the capitals, and to whom internationals and not even local elites normally reach out. It's very easy to talk English with somebody who is sitting in the capital, instead of going to the hinterland where there are no roads and no hotels, where people don't speak English and they are illiterate. But that doesn't mean that they don't sometimes have even better conclusions and more realistic approaches.

What about the U.N. headquarters in New York? Did they give you enough freedom to operate and to adapt the transitional justice approach in Liberia?

You know, I don't think that cooperation with U.N. headquarters is an issue. In general it's a question of these experiences being relatively new. For example, in Liberia there was a very clear time frame coming from the Accra peace agreement concluding the war. In a way it was positive that the question of reconciliation was included in the agreement, but of course it put a straitjacket on everybody because you needed a TRC within a certain very limited time frame, and that time frame didn't allow for a really broad dialogue.

I think that all these very concrete provisions and deadlines should be decided in the next phase. It's good that such peace agreements conclude that there should be a transitional justice mechanism looking into atrocities of the past and into how a repetition can be avoided, but the details should be decided on a case-by-case basis. These sorts of things weren't thought through in Accra — the main concern was to stop the killing and shooting and reach peace.

We have talked a lot about TRCs, but I believe transitional justice also refers to broader reforms, such as of the security sector and judicial system?

I think your point is absolutely valid and this is also the position of the U.N. — that all future reconciliation and democracy building requires reforms of the judicial system, requires building a very solid rule of law, and with the rule of law we include the judiciary, we include security, police, penitentiary services, and so on and so forth.

What is most difficult?

I personally believe that the transformation to a modern judiciary based on modern human rights principles is the most complicated issue. Normally in countries like Liberia it's not only that there are no judges, but those who are qualified judges before the conflict leave, while others become compromised by working with compromised regimes. And during the conflict of course there were no new graduates. So I think there is an obvious gap in terms of skills, and there is no way that you can quickly train somebody to become a judge.

Because of all this I believe that rebuilding the judiciary, both in terms of legal reform — in many of these countries you still have a conflict between statutory law and traditional customary law, and customary law is often against international human rights standards, so this is additional issue — combined with reform of the judiciary is probably the most challenging issue. I'm not saying that police and security is easy, but I think it's something which can be more easily achieved within a limited time frame.

In conclusion, would you say that the transitional justice system has worked and is working in Liberia?

I think that we have to qualify it. Generally speaking Liberia is making tremendous headway in terms of peace building and normalisation. However, within this context I would say that legal reform and the rule of law are the weak points. For instance, legal reform is something which should already have happened, because Liberia is a party to all international human rights agreements. Therefore it should adhere to international standards internally, and this is not happening.

Can a country like Liberia be expected to achieve this in such a short timeframe?

No, of course not. But you know, don't ratify it if you cannot yet implement it. It's a question of delivery. And that's a separate discussion — there are certain issues which can be addressed very quickly, and there are certain issues which require time. But generally the rule of law is the weak point.