

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



**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:**

Monday, 19 January 2009

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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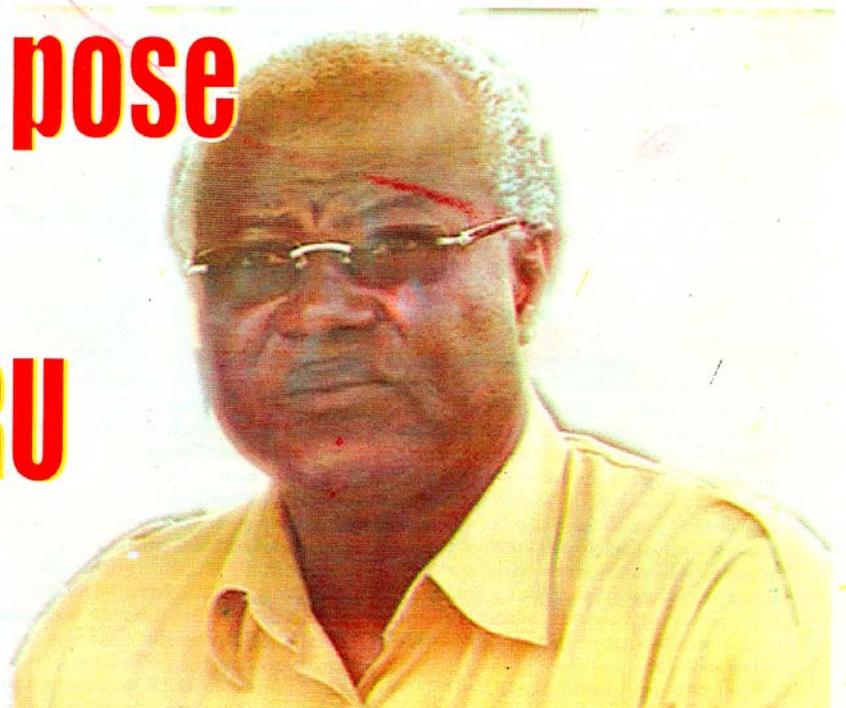
Concord Times  
Monday, 19 January 2009

# Liberia may pose security threat in MRU

By Ibrahim Tarawallie

If the security situation in Liberia gets out of hand, it could pose a security threat to countries in the Mano River Union (MRU), especially Sierra Leone, society groups and government have said. The concerns come after a report by the International Crisis Group, which says that the United States and the United Nations do not

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## Liberia may pose security threat in MRU

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maintain their efforts to make Liberia more secure and stable for the next few years, the investment made since the end of the war could easily be derailed.

Minister of information and communication, Alhaji Ibrahim Ben Kargbo, said government was aware of the report, which is particularly concerned about the weakness of the Liberia police force.

"Our security forces are very alert," he said, adding they were confident that the joint border patrol between the United Nations mission in Liberia (UNMIL) and the RSLAF would prevent any spillover of hostile activities if they do

occur.

He was optimistic that there may not be a problem at all. "I strongly believe that it is premature at this stage to say that there will be unrest in Liberia," he said.

Office of national security chief of staff, Larry Bassie, agreed it was too soon to judge the situation in Liberia.

"It is too early to say that it will pose a threat to the MRU," he said. "Liberia is about to do their security sector reform and we think it will go on smoothly without any problem."

Minister of internal affairs, local government and rural development, Dauda Kamara said the MRU was formed to prevent problems in the sub-

region from happening.

"We are fully aware that any problem that occurs in Liberia would have an adverse effect on Sierra Leone," he said. "The creation of the MRU is to settle dispute among member states."

Chairman of the coalition of civil society organizations, Charles Mambu, said they are concerned about the potential security threat.

"It is important for us to prevent it from happening otherwise it will be difficult to handle when it does happen," he said. "Now that an international group as come out with a report about the security situation in Liberia, we should not sit down and allow it happen."

BBC World Service Trust  
Friday, 16 January 2009

### **Report from The Hague**

The Legal Team of Charles Taylor says Liberian journalist Hassan Bility was arrested in 2002, not as a journalist, but as an unlawful combat whose plan to overthrow Charles Taylor was aborted by state securities. Defense lawyer Courtenay Griffiths also reviewed Bility's would-be book with the tentative title "Journalists' Quest against a Dictator." Joseph Cheeseman reports from The Hague.

CHEESEMAN: After constantly consulting Mr. Taylor, who sat in the dock at the back of his Defense team, Mr. Griffiths read in open court six faintly typewritten emails containing subversive communications allegedly exchanged between Hassan Bility and some members of the Mandingo ethnic group in America and Liberia. The email stated plans by Hassan and others to overthrow the then-Taylor government and assassinate the president. Hassan denied any link with the subversive email and said he was shown the same emails in Monrovia when he was detained at the National Bureau of Investigation, the NBI, in 2002. Mr. Griffiths insisted that Hassan was not arrested for writing articles critical of the Taylor government, but that he was arrested for subversive activities. Mr. Griffiths asked Hassan to respond the allegation that he wanted to overthrow Mr. Taylor and assassinate him.

BILITY: That is absolutely false.

GRIFFITHS: [indistinct] What I'm suggesting is that all along, under the guise of being an impartial journalist concerned about human rights, you were effectively plotting with others to assassinate President Taylor. That's right, isn't it?

BILITY: Counsel, that is a complete fabrication; it's wrong.

GRIFFITHS: What I'm putting to you is that you were party to a conspiracy to murder.

BILITY: Counsel, I was never, ever, I have never been a party, and I was never a party to any conspiracy. If the Liberian government believed this evidence, why didn't the government take me to court? It said it would; it refused.

CHEESEMAN: Mr. Hassan Bility also said his book, still in print with the tentative title Journalists' Quest against a Dictator, makes direct reference to the dictatorship of Mr. Charles Taylor in Liberia. The Liberian journalist told the court the content of his book would represent the collective struggle of all Liberian journalists against what he called a dictatorial and intolerant government led by former President Charles Taylor.

Defense lawyer Courtenay Griffiths held up a large white sheet paper containing series questions reportedly written by Mr. Taylor. The questions border on the credibility of the witness and his knowledge about treatments given Liberian politicians during the presidency of Mr. Taylor. Here is Mr. Griffiths with Taylor's concerns.

TAYLOR: Direct instructions from Mr. Taylor, and he instructs me to call you a liar, that no leader of any political party was arrested during his presidency.

BILITY: [Indistinct], an executive of the New Deal Movement Party was indeed arrested. I believe that the president clearly [debatedly] wrong.

GRIFFITHS: Another specific question directly from Mr. Taylor: Under the Taylor regime, was any political party prevented from advocating their policies or campaigning during the Taylor presidency?

BILITY: As a matter of government policy and pronouncement, not that I'm aware of.

CHEESEMAN: At the end of Friday's session, Defense Lawyer Courtenay Griffiths said he would end his cross-examination of the Prosecution Liberian witness, Hassan Bility, within 20-minutes on Monday. Mr. Bility told the Judges that he was scheduled to return to the United States on Sunday, but Presiding Judge Teresa Doherty ruled that Hassan return to court on Monday to complete his testimonies.

Meanwhile Judge Teresa Doherty has announced the end of her tenure as presiding Judge of Trial Chamber Two of the Special Court for Sierra Leone. Justice Doherty told her colleagues and the lawyers that her tenure would end on January 17, and that Justice Richard Lussick would take over the Court as the new Presiding Judge. The presidency of the court rotates after every year.

## The Patriotic Vanguard

Saturday, 17 January 2009

### "Hassan Bility was a combatant, not a journalist"—Taylor defence

Editor's note: This is a transcript of a BBC World Service Trust report:

The legal team of Charles Taylor says Liberian journalist Hassan Bility (photo) was arrested in 2002, not as a journalist, but as an unlawful combatant whose plan to overthrow Charles Taylor was aborted by state security.



Defense lawyer Courtenay Griffiths also reviewed Bility's would-be book with the tentative title "Journalists' Quest against a Dictator." Joseph Cheeseman reports from The Hague:

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Here is an earlier report on the same issue from the same source:

### **BBC World Service Trust**

Thursday, 15 January 2009-01

Liberian Journalist Hassan Bility has testified before four international courts regarding situations in Liberia during the presidency of Charles Taylor. Mr. Bility testified in the RUF case in 2004 in Sierra Leone. He also testified in a Dutch Court against a Dutch national, Gus Kouwenhoven in 2006. He testified against Chuckie Taylor in Miami in 2008, and now he is testifying against his Former President Charles Taylor. But how accurate are Bility's accounts before the four international tribunals about events in Liberia during Taylor's regime? The Legal Team defending Mr. Taylor says Hassan Bility is a liar and all of his testimonies in the four courts are conflicting and contradictorily. Joseph Cheeseman reports.

CHEESEMAN: According to Defense Lawyer Courtenay Griffiths, Mr. Bility told a Dutch Court in the Gus Kouwenhoven case that he was arrested in 1997 and detained by Taylor's securities and given a number of charges. But before the Special Court for Sierra Leone Mr. Bility said he was arrested and detained without any specific charge. Defense lawyer Griffiths asked Bility why he used the phrase a number of charges.

BILITY: Arrested for an article and then taken the president, and he tells me a number of things. He raises a number of concerns. One, I'm bent on undermining his government, he tells me about me working for other people, being an agent, being this, so as I said, a wide range of issues he discusses with me. I thought that that constituted, since he was the court and he was a judge, a number of charges in that particular circumstance. So that's why I used the phrase "a number of charges."

CHEESEMAN: In his testimonies at the Special Court in Freetown, Sierra Leone against the RUF, Mr. Bility said he was arrested and detained for two days for writing an editorial entitled “who’s the Judas in ECOWAS?” Before the Judges of the Special Court in The Hague, Bility said he was arrested and detained at the Justice Ministry for one day and later released. Defense Lawyer Griffiths told the Court that the difference in Mr. Bility’s testimonies constituted a conscious lie. But the witness disagreed.

BILITY: If I did say this, two days, I honestly don’t remember.

GRIFFITHS: There’s no “ifs” about it. This is a transcript of your evidence. What were you doing telling that lie to the Judges after you had taken an oath on the Que’ran to tell the truth?

BILITY: Counsel, I did not tell a lie. If I did say two days then I might have made an honest mistake. It’s not a lie.

CHEESEMAN: The Prosecution Liberian witness told the Judges of the Special Court he was arrested for the fourth time by state securities in January 22, 1998. But according to transcript of the Dutch court obtained and produced in court by the Defense, Mr. Bility told the Dutch court in 2006 that he was arrested for the fourth time in March 1998. The Defense lawyer asked Bility to explain the difference.

BILITY: I do not remember an arrest in March, in either 1998, 1997 or whatever. This, I believe, must have been a mistake either in my in my [tape problem] specifically that I believed I was arrested in March 1998.

GRIFFITHS: Are you suggesting, Mr. Bility, that when you were giving evidence on oath before those judges in a Dutch court, somehow you meant to say to them “I was arrested after September 2000,” but somehow you misspoke and March 1998 came out of your mouth instead. Is that what you’re telling us?

BILITY: Counsel, I am telling this honourable court that I was not arrested in March 1998. Now if that appears in the transcript, of course I believe that could be attributed to my misspeaking.

CHEESEMAN: Bility, the Liberian journalist testifying against Charles Taylor, told the Judges that Taylor was the court and the judge during his days as president in Liberia, and whatever he said was the final. Bility said whatever Taylor told accused constituted a charge. Taylor’s lawyer disagreed and said Mr. Bility was a liar. The cross-examination of Hassan Bility by Taylor’s lawyer continues on Friday.

Photo credit: BBC.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

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**UNMIL Public Information Office Complete Media Summaries  
16 January 2009**

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

**Newspaper Summary**

**State Petitions against bail for Couple Charged with Murder**

(Daily Observer, Heritage, The Analyst, National Chronicle, Public Agenda, The News,)

- The State has filed a petition for a Writ of Certiorari against the release of murder indictees, Hans Williams and his fiancée, Mardea Payku.
- Criminal Court 'A' Wednesday admitted Mr. and Mrs Williams to bail and ordered their release Thursday on a US\$120,000 insurance bond.
- Judge Boimah Kontoe ruled that proof was not evident and presumption great.
- The Judge also issued an order barring the accused from leaving the country until the case is decided.
- But the state in the petition which seeks to halt the release of the accused described the ruling as a violation of the constitution.
- Justice Minister Philip Banks said the ruling was erroneous and places the entire country in danger.
- Cllr. Banks further described the act of the judge as impeachable, adding no trial judge has the authority to release persons charged with murder.
- According to judicial reporters, it is not yet clear whether the Chambers Justice has issued the alternative writ to halt the release of Mr. and Mrs. Williams.
- Family members of the accused who went to receive them from the Monrovia Central Prison left in dismay.

**Senate Reinstates Nyenabo amidst Reports of Renewed Threats of Removal**

(Public Agenda, The Inquirer, The Parrot, The Informer, The News, Daily Observer, Heritage, The Analyst, National Chronicle)

- At long last, the Senate has reinstated Isaac Nyenabo as its President Pro Tempore.
- The Senate took the decision Thursday in a secret session, five months after Nyenabo was suspended.
- The Senate was under increased pressure to reinstate Nyenabo based on a ruling by the Supreme Court.
- The Secretary of the Senate Nanborlor Singbeh said the reinstatement of Nyenabo was done following days of intense consultations.
- Mr. Singbeh said the reinstated Pro Tempore would be given all of his benefits and immunities from the date he was suspended.
- After his reinstatement Pro Temp Nyenabo shied away from giving his reaction to journalists.
- Some members of the Senate welcomed the reinstatement of Nyenabo but failed to state his future.
- There are reports that Nyenabo has been given few weeks to tender-in his resignation or face removal.
- Senator Lahai Lassana who presided over the Senate along with the Vice President said he was happy to turnover power to Nyenabo.
- Senator Lassana said he was selected to preside over the Senate by his colleagues and no one should judge him to be a lawless citizen.

## Radio Summary

**Local Media – Star Radio** *(News culled from website at 12:00 pm)*

### **State Protests against bail for Murder Suspects**

*(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)*

### **Nyenabo Reinstated as President Pro Tempore of the Senate**

*(Also reported on Sky F, Truth FM, Radio Veritas, and ELBC)*

### **Government, World Bank to Compensate Squatters**

- Government and the World Bank have agreed to compensate those residing under and around the damaged Vai Town Bridge in Monrovia.
- Information Minister Lawrence Bropleh however, clarified only those who have been properly vetted are the ones who will be compensated.
- Dr. Bropleh told reporters the compensation of the residents is to avoid obstruction of the reconstruction work on the bridge.
- The Information Minister said the vetting process has identified individual households, petit traders and vulnerable people to be the targeted beneficiaries.
- Dr. Bropleh observed the vetting and compensation process is part of the resettlement action plan.
- The committee, which includes the LRRRC, Public Works and the World Bank, has so far vetted only three residential structures and over one hundred thirty squatters.
- Although the actual date for the commencement of the reconstruction of the Vai Town Bridge is not known, Minister Bropleh assured the squatters would be compensated in the next two weeks.

*(Also reported on ELBC, Radio Veritas, Sky FM and Truth FM)*

### **Customs Brokers arrested for falsifying Government Receipts**

- Three Customs Brokers operating at the Freeport Customs Collectrate have been arrested. The three men were arrested for their alleged involvement in falsifying Government revenue flag receipts to clear containers at the port.
- A Finance Ministry release identified the suspects as Elijah Paytoe of the Lesso Shipping Agency and Sarkpah Doe of the Yanba Clearing Agency.
- The release named the third suspect as Jefferson Choloplay a freelance customs broker.
- The release said the men are being interrogated by MOF security monitors and would be subsequently turned over to the Justice Ministry for prosecution.
- Meanwhile, a fourth suspect believed to be the ringleader of the scam is reportedly at large.
- The release said Finance Ministry security monitors have launched a dragnet to apprehend the fleeing Customs broker only identified as Gaddafi.

*(Also reported on Sky F, Truth FM, Radio Veritas and ELBC)*

### **Commerce fines Three Entities over 'unfair Business Practice**

- The Ministry of Commerce has fined three business entities for what it calls unwholesome business practice.
- Deputy Commerce Minister for Trade, Frederick Norkeh said the fine ranges from one hundred to two thousand United States Dollars.
- According to Minister Norkeh, Cheaitou Brothers was fined two thousand United States Dollars for selling rotten fish.
- He said the ministry has ordered that the fish product be taken off the market and destroyed.
- Minister Norkeh also announced the ministry placed a one thousand United States Dollars fine on James Davies and Sons.

- James Davies and Sons was fined for under-declaring the weight of a bag of cement and illegal re-bagging of the product.
- Minister Norkeh said a one hundred U.S. dollars fine was also placed on Saybah Business Center in the Red Light area for re-bagging and under declaring of cement.
- He disclosed a letter of warning was issued to Cemenco for not checking the quality of products imported into the country.
- The Deputy Commerce Minister also announced that Sethi Brothers have begun refunding people to whom they sold the low quality aluminium zinc.
- Minister Norkeh warned that if any of the businesses fined are caught in similar practice again, their certificate to operate in the commerce of Liberia would be withdrawn.

*(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)*

### **Government Begins Printing of New License Plates January**

- Transport Minister Jackson Doe says the government would begin the printing of new license plates for vehicles this month.
- According to Minister Doe, the new license plates would show the names and location of vehicles bearing them.
- Minister Doe said the new system would enable law enforcement officers to easily track down violators in the traffic.
- The Transport Minister also disclosed plans by government this year to prioritize public transport.
- Minister Doe observed that commuters are faced with serious problems in getting to places mainly in and around Monrovia.
- He said the Ministry has an allotment of about half a million dollars within its budget to purchase few more buses to ease the transport problem in the country.
- Minister Doe said the buses would be brought into the country following the signing into law of the National Transit Authority act by the President.

### **Senior Nimba Citizen lauds President Sirleaf's Intervention in Land Dispute**

- A prominent citizen of Nimba County says President Sirleaf's meeting with stakeholders in the prolonged land dispute is a major breakthrough.
- Mr. Abdullah Dunbar said the meeting brought to light most of the burning issues that have continued to undermine a peaceful settlement.
- According to Mr. Dunbar, the President's personal intervention in the matter would resolve the land crisis involving Mandingoes and Gios and Manos.
- The former Liberian diplomat said consultations are currently underway to form a committee among the parties as requested by the President.
- Mr. Dunbar believes Nimba citizens can once again live peacefully regardless of their ethnic or religious backgrounds.

### **Farmers in Bong County Unhappy Over Cut in Rubber Price**

- Rubber farmers in Bong County say as of January 19 there will be no rubber sale in the county.
- The rubber farmers took the decision Thursday at a meeting in the central provincial city of Gbarnga.
- The rubber farmers said their decision stem from an abrupt cut in the price of the commodity.
- The rubber farmers said at present, they are finding it difficult to maintain their farms due to the current price of rubber.
- They said the deduction of two US dollars for the RPAL by companies and four percent deduction on a ton of rubber by government without flag receipt is unhealthy.
- The RPAL is the Rubber Planters Association of Liberia.
- According to our correspondent, the rubber farmers have set up task to ensure the implementation of their decision.

- The rubber farmers vowed to continue their action until government addresses their concerns.

### **New Appointments in Government Pending Confirmation**

- President Ellen Johnson Sirleaf has made new appointments in government pending confirmation by the Senate.
- Those appointed include Ousman S. Tall, Assistant Minister for Planning and Development, Agriculture Ministry and J. Gbleh-bo Brown, Superintendent, Maryland County.
- Others are Melita Evelyn Gardiner, Assistant Superintendent for Development, Maryland County and McDonald Wlemus, Jr. Assistant Superintendent for Development, Sinoe County.
- Brigadier Francis Z.P. Dolo, Major Fred I. Sumo and Major Ophelia T. Henneh were appointed as Assistant Directors at different levels at the Bureau for Veteran Affairs.
- The President also appointed Tarpeh S. Lombaye, Local Aide-De-Camp, Nimba County and Rajah Toe, Local Aide-De-Camp, River Gee County.

*(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)*

### **Local Daily Faces two Choices: "retract story or go to court" - Says President Sirleaf**

- President Ellen Johnson-Sirleaf has warned the New Democrat Newspaper to retract its front page lead story of January 12, 2009 or face legal action.
- The paper's front page lead story captioned: Email Scandal Reports Unveil Intrigues and Fabrications, allegedly linked the president and her entire family.
- A letter from President Sirleaf's legal counsel said the paper deliberately printed the photographs of some key family members of the Sirleaf family.
- The communication further revealed that the family members published in the photograph had no link to the email scandal.
- In the communication, President Sirleaf is quoted as complaining the New Democrat of a well calculated campaign to besmear the image of her family.
- The letter described as a misrepresentation of the Dunn's Commission report the handling of the controversial 600-thousand dollars issue by the paper.
- The letter to the Management of the New Democrat was signed by Attorney Syrenius Cephas who is representing the legal interest of President Sirleaf in the complaint.
- The letter further rejected claims that the money in question is part payment from CELLCOM Liberia and part of evidence gathered by the Dunn's Commission.
- The New Democrat Newspaper has been instructed to do a full retraction of the story to be followed by a public apology in subsequent editions of the paper.
- The President's legal counsel however, threatened legal action should the New Democrat fail to comply with the order.

*(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)*

## Star Radio (Liberia)

Friday, 16 January 2009

### **TRC to recommend Special Court for Liberia**

Written by Julius Kanubah

The Truth and Reconciliation Commission says it would recommend to government the setting-up of a Special Court in Liberia.

The TRC said the Special Court would be responsible to prosecute individuals who bear the greatest responsibility of the Liberian war.

A commissioner of the TRC told Star Radio the Special Court would not be considered a war crimes Court.

Commissioner John Steward said the proposal for a Special Court is intended to fast track the trial of major human rights violators.

Commissioner Steward disclosed that the TRC has submitted to the Legislature the first volume of its final report containing findings and recommendations.

According to him, the report would officially be made public June 22 this year.

## BBC Online

Friday, 16 January 2009

### Bashir war crimes bid challenged

Two Sudanese groups have formally requested the International Criminal Court (ICC) not to issue an arrest for President Omar al-Bashir.

He is accused of responsibility for war crimes and crimes against humanity during the conflict in Darfur.

Experts warn that the motion filed could lead to a delay in the judges' decision on whether to issue a warrant.

The BBC's Amber Henshaw in Khartoum says tension is mounting in Sudan ahead of the ruling, expected in a few weeks.

The Sudanese government has always refused to deal with the ICC.

But some see the two groups - the Sudan Workers Trade Unions Federation and the recently-formed Sudan International Defence Group - as government proxies.

On Wednesday, veteran Islamist opposition leader Hassan al-Turabi was arrested after saying President Bashir should hand himself in to face the ICC charges.

His family say he is being held in solitary confinement and they fear for his safety.

Last weekend, the head of Sudan's intelligence agency warned that foreigners in Sudan could be attacked if the arrest warrant was issued.

The application says that pursuing the case could bring great danger to the region, particularly to Darfur and Sudan where it would have "grave implications" for peace and could lead to a deterioration of the situation across the country.

Sudan has long made similar arguments. It has been lobbying at the UN for the Security Council to delay the investigation.

The African Union and Arab League back Sudan's argument.

The motion also criticises the ICC chief prosecutor, Luis Moreno Ocampo, for his handling of the case.

The two groups claim they have wide public support, including a petition with more than a million names as well as backing from leaders of Darfur's Fur, Masalit and Zaghawa groups - seen as the main victims of the conflict.



**President Omar al-Bashir has always denied backing Darfur militias**



[Fears grow for Sudanese Islamist](#)

But our correspondent says many Darfuris believe that an arrest warrant should be issued for President Bashir, who is accused on 10 counts of genocide, war crimes and crimes against humanity for alleged atrocities committed in Darfur.

The UN says that some 300,000 people have died during the six-year Darfur conflict and more than two million forced from their homes.

Sudan has always denied backing the Arab Janjaweed militias accused of the worst atrocities.

It says the scale of the suffering has been exaggerated for political reasons by its enemies in the West.

## Africa.Kongotimes

Friday, 16 January 2009

<http://africa.kongotimes.info/news>

### **Uganda: The ICC will bring war criminal charges against Ugandan farmer Calvin Ocora**

The International Criminal Court in The Hague is supposed to bring war criminals to justice, but it has yet to deliver a single verdict. Can international law bring peace to war-torn regions -- or does it actually hinder the peace process?

Calvin Ocora is afraid whenever he hears a rustling sound in the jungle. At any time or place, it could happen again, just like on that day in May that he barely survived.

Ocora had fallen asleep under the mango tree -- and that nap probably saved his life. If it had not been so hot, and the shade of the tree had not been so cool, Ocora and his eight goats probably would have been back in the village of Lukodi in northern Uganda when it was transformed into a killing field.

But as it happened, Ocora was startled out of his slumber when he heard a rustling. Instantly alert, he rolled into a ditch for cover, and then started running away from the rebels who were coming out of the jungle, boys in camouflage uniforms who -- on a signal from their leader -- started indiscriminately firing their Kalashnikovs.

Ocora's family, including his mother, sister, brothers and daughter, were killed. After the massacre, the killers piled up all 56 bodies and burned them. That is the modus operandi of the Lord's Resistance Army (LRA) under the command of Joseph Kony. The murderous sect leader is responsible for the deaths of more than 100,000 people over the past two decades. The dead -- so he claims -- have been redeemed, and should he one day be in power in the Ugandan capital Kampala, he intends to establish a theocratic state based on the Ten Commandments.

Kony is an indicted war criminal who many call a "devil," although he proclaims to be the "spokesperson" of God. He has retreated into the jungle and is gathering new child soldiers. They could burst from the dense foliage at any time, shooting their Kalashnikovs, heaping up mounds of corpses, mutilating those who try to flee, hacking off arms and legs, cutting off lips and ears.

Ocora has built a new round hut with a palm-frond roof. Every night, the man who lost his family is plagued by nightmares -- and every day he rails against Luis Moreno-Ocampo.

Moreno-Ocampo knows nothing of this. The chief prosecutor of the International Criminal Court (ICC) in The Hague is sprawled in a chair of his office on the 11th floor, gazing out at the dreary rainy sky that hangs over the Dutch headquarters of global justice. Sporting a three-day beard, the Argentine props his feet up on the huge desk made of light walnut burl. He appears to be permanently in a good mood. He has been charged with the mission of bringing justice to the world.

Things are moving on the African front. A total of 12 arrest warrants have been issued against key perpetrators of violence on the continent -- four politicians and a militia leader from the Democratic Republic of Congo are already awaiting trial at the ICC detention center in Scheveningen. Now they are also taking action against the alleged mass murderer Joseph Kony. Moreno-Ocampo, humanity's avenger, talks softly and quickly. "We help in Africa, we protect Africa's victims, Africa has called on us for aid," he says.

But Calvin Ococha, for one, never asked them for help. "Western criminal justice doesn't bring us any closer to peace," he says. "We could have had peace a long time ago without The Hague."

Moreno-Ocampo's warrant came precisely at the point when Kony's emissaries were sitting with the government at the negotiating table, just when some observers thought that a peace agreement might be within reach. Kony refuses to sign an accord while the ICC arrest warrant remains in effect. He has gone into hiding in the Democratic Republic of Congo, just across the border, where he rules as a jungle prince with up to 60 wives and an estimated 1,200 loyal fighters.

Over the past few weeks, the army has recommenced shelling, but that hasn't stopped the atrocities. Recently, over 400 people were reportedly murdered by the rebels during massacres around Christmas. The week before last, the LRA cautiously enquired in Kampala if it might be possible to resume negotiations.

Is that what this Moreno-Ocampo calls peace through justice?

This question is being asked by an increasing number of people -- and not only in Uganda. When the man in The Hague comes crashing down with his sword of accusations, he often reaps a storm of protests instead of the gratitude and fulfillment that he feels he deserves.

Exasperatingly, the International Criminal Court -- an ambitious enterprise supported by 108 member states -- could fail on its first and greatest project: bringing peace to violence-torn Africa.

Large parts of the world recently rose in opposition to the court once again when it announced last summer that it is seeking a warrant against Sudanese President Omar al-Bashir for alleged genocide, crimes against humanity and war crimes.

This prompted an angry response from the African Union, which asked the United Nations Security Council to make clear to the chief prosecutor where his competencies end. The Arab League was outraged that The Hague wanted to arrest a head of state. Sudan's ally China expressed "grave concern," and Libya and South Africa tried to block the indictment against Bashir in the Security Council.

UN Secretary-General Ban Ki-moon had earlier expressed his opinion that a too-open search for justice merely compromises efforts to achieve peace. He warned the prosecutor that a warrant against Bashir would have "a very serious negative impact on efforts to achieve peace" in Sudan. However supporters of the ICC's position point out that Bashir has repeatedly announced negotiations on Darfur while his troops continued to -- as Moreno-Ocampo put it -- "murder, destroy villages and rape women."

Peace or justice? In faraway Germany even the respected daily Frankfurter Allgemeine Zeitung felt that it had the right recipe for combating violence in Africa. In a lead article about the struggles of politicians to broker a peace, it wrote that criminal indictments against African leaders are "a dangerous luxury."

That's also roughly how the people from Lukodi would put it. After the massacre, they couldn't bring themselves to build their round mud huts with their palm-leaf roofs on the exact same location where they had stood earlier. New Lukodi now lies 100 meters to the west of the ruins of the old village, which have long since been swallowed up by the jungle.

Edise Adong was seriously wounded in the attack. At the age of 40 she looks as if she were 70. She is too weak to remain on her feet for long periods. She cannot imagine why anyone would want to put that devil of a man Kony in a cell in The Hague that is more luxuriously furnished than the best hotel room in the nearby city of Gulu.

Nevertheless, justice must prevail, says Ocora. However, in Uganda they have their own methods: "We have to forgive -- even the perpetrators deserve a chance." Sometimes Ocora runs into his family's murderers in the neighborhood. "We even chat sometimes. Now they find their actions infinitely shameful. God will pass judgment on them one day."

### **'A World Without Justice'**

Former members of the Lord's Resistance Army are not put behind bars. Many of them have returned to the villages where Kony once abducted them. The government under Ugandan President Yoweri Museveni has come up with a unique approach for dealing with them. Since 2000 it has granted everyone who puts down his weapons unconditional immunity from criminal prosecution.

The Uganda Amnesty Commission is located in a Victorian villa in the center of Kampala. The walls of the building could use a coat of paint. Tucked in blue file folders are the stories of thousands of rebels, the majority of which are from the Lord's Resistance Army. Their names, ages and combat units have been noted here. Most of them are child soldiers who were abducted, tortured and forced to fight.

The state grants each of them a pardon, no matter what they have done. "It's the only way to draw them out of the jungle," says Bruhan Ganyana Miiro, the commissioner for the West Nile region. He is proud of the results of the amnesty commission. "We have pardoned 12,000 fighters from the LRA alone and brought them back into civilian life." That must have severely weakened Kony who, during his best years, had no more than a few thousand soldiers under arms.

The concept of forgiveness undermines the objective of the ICC to establish law and justice as something inevitable, especially in developing countries that are wracked by violence. The signal sent from The Hague, says German ICC judge Hans-Peter Kaul, must be a "worldwide continuously visible beacon" against lawlessness. It cannot "simply be turned off like a lamp that you don't want to see anymore."

Specialists in international law are taking a critical look at the African approach to reconciliation. Cologne-based law professor Claus Kress, who works as an adviser to the ICC, conducted a study on whether the widespread tendency of politicians to link peace talks with amnesty pledges has created a new "lex pacificatoria" ("law of the peacemakers") in international law -- a new let-by-gones-be-by-gones principle that puts reconciliation before justice. "Political decision-makers must work according to the assumption that international criminal law takes priority," says Kress. "This rules out automatic amnesties, at least for those who are chiefly responsible."

In other words, Ocora's model of forgiveness contravenes international law, at least according to the standards of The Hague. But what good is international law in the territory under the control of rebel leader Kony?

Far to the north, in the cooler climate of the Netherlands, Moreno-Ocampo has a clear answer: "Uganda's government has requested our aid." Moreno-Ocampo takes off his jacket and rolls up his shirt sleeves. "I apply the law and implement it in a world without justice."

The government used radio stations and flyers to publicize the amnesty offer. It took a while before the first combatants ventured out of the jungle. They have to flee for their lives from their units because Kony orders doubters in his ranks to be murdered.

Usually these traumatized individuals turn to the police or aid organizations, who refer them to the amnesty commission, which issues the applicant an amnesty certificate without any red tape. Even after

years of atrocities, no one is forced to examine their conscience. They merely have to confess that they fought against the government.

Peace first -- that is the credo of the frightened and tormented victims of Kony's brutal campaign and the thousands of refugees wandering helplessly through the desert after being displaced by the alleged mass murderer Bashir. "But peace and justice," says Moreno-Ocampo, quoting the UN secretary-general, "go hand in hand."

That's all well and good -- but where does one begin? The UN Security Council has reportedly indicated to Kony -- yes, even to a man who has allegedly committed such heinous crimes against humanity -- that it would make use of its right to suspend the proceedings in The Hague if he signed a peace agreement.

Of course the most powerful organization of the most powerful countries in the world cannot afford to do something like that officially. And since Kony has never appeared at the many planned meetings to sign an agreement, the Security Council was easily able to extricate itself from its proposal. But the message from New York is clear, not only in the case in Uganda, but also with regard to Bashir: The Security Council is debating how it can restrain Moreno-Ocampo. Peace takes priority, justice comes later.

Peace or justice -- which comes first? Bolivian judge René Blattmann is the second vice-president of the ICC. He once served as the justice minister in his home country -- a nation plagued by a weak legal system and rampant violence. No doubt about it, he says, justice comes first. The reason: "In Greek mythology, Irene was the daughter of Themis, the goddess of justice." And the Greek name Irene means peace.

Peace is the daughter of justice, and war is the incarnation of injustice. German judge Hans-Peter Kaul asks how catastrophes like Hitler's genocide could ever take place in a country like Germany, with its respect for culture and its humanistic traditions. "Cynicism, apathy and indifference with respect to the law" -- this, concludes Kaul, is a large part of the explanation.

So justice takes precedence over peace after all? Kaul is seen as one of the founding fathers of the ICC, the man who handled the negotiations for Germany on the Rome Statute, the founding document of the "first court that is based on the free will of the international community." The "beauty of the court," says the former diplomat, is actually its independence from the UN and the resolutions of the Security Council, an organization driven by the power plays of the countries that enjoy veto rights.

But do they also see things this way in Uganda? Moreno-Ocampo has no doubts about it: "Kony has attacked children, in the Democratic Republic of Congo, Uganda and in southern Sudan and in the Central African Republic. That is a violation of human rights. That is against the law both in Africa and in Germany."

The prosecutor pulls out "two scientific studies" that he says prove that they see things his way in Uganda: Only 1.8 percent of those surveyed in the north are familiar with the local rituals of conflict resolution, but 28 percent are familiar with the ICC. And 60 percent agree that Kony should stand trial. Moreno-Ocampo also says that it is a travesty to talk about peace taking precedence over justice here: "Kony has taken advantage of the peace mission to buy new weapons and abduct child soldiers." And the slaughter continues.

In order to pave the way for peace in Uganda, the Amnesty Commission gives each of its reconciliation recruits a foam mattress -- if possible, in the colors of the Ugandan flag, black-yellow-red -- a set of cooking pots, a hoe, a drinking water canister and 263,000 shillings, the equivalent of about €100 (\$135). The government helps people find work and pays for job creation schemes.

"It has to be more attractive to give up than to continue fighting," says Ganyana Miro. "The carnage must stop. That is our main objective." According to this approach to achieving peace, even Kony could walk out of the forest and return to civilian life under the protection of the amnesty.

### **Admitting Guilt**

Years ago, there were many who called for a similar approach with former Serb leader Slobodan Milosevic and Liberian President Charles Taylor. In 1999, when Louise Arbour, chief prosecutor of the International Criminal Tribunal for the Former Yugoslavia, openly accused then-dictator Milosevic of crimes against humanity, the allies in NATO winced, even though they were bombing Belgrade in defense of human rights in Kosovo at the time.

"Fatal consequences for any compromise" in the Balkans, that was the outcome that many observers predicted, recalls Arbour. "The Russian delegate told me that I had revoked the basis for the negotiating process."

But history showed that the path of justice was not in vain. After his indictment, Milosevic was chased out of office and arrested. He died in 2006 during his trial.

It was a similar story with Charles Taylor. When the international Sierra Leone tribunal issued a warrant for the man whose militias had killed over 300,000 people in Liberia and Sierra Leone, then-UN Secretary-General Kofi Annan reportedly threw a fit. The UN was trying to convince Taylor to resign and accept asylum abroad in exchange for a pledge of immunity from prosecution.

Thanks to the warrant, and despite all promises made, Taylor was deported from his Nigerian asylum and arrested while his country continued down the road to peace. Today, the butcher of Monrovia is standing trial in The Hague.

And Moreno-Ocampo is sure that it will be a similar story with Sudanese President Bashir: "I can't make allowances for politics. I have to apply and implement the law." And a number of observers in the court share his optimism: "If the judges really confirm the warrant, it will be the end of Bashir." The indictment from The Hague would have such a destabilizing effect on domestic politics, they believe, that Bashir wouldn't be able to hold onto power. But he cannot flee, either. Every country that has signed the Rome Statute is obligated to arrest and extradite him. And many who work for the court have no doubt that this will happen.

Meanwhile, encouraging news has emerged from faraway Africa. Former UN Secretary-General Kofi Annan, who recently worked as a mediator in the Kenyan crisis, has a sealed envelope in his desk. The envelope comes from a Kenyan investigative commission that dealt with the bloody unrest that shook the country in early 2008. After the elections, supporters of the government and the opposition attacked each other. The clashes claimed over a thousand lives.

The names of six ministers and a number of members of parliament are written on a list inside the envelope. These men allegedly incited violence. If Kenya fails to come to terms with the tragedy on its own, Annan has been instructed to give the envelope to Moreno-Ocampo. "Our politicians are trying to skirt the issue," says well-known Kenyan TV journalist Beatrice Marshall in response to a question about the back-up option in The Hague. "But we cannot have a climate of impunity."

Justice or peace? Kenya is divided. A recent survey showed that 55 percent of Kenyans favor putting those responsible on trial -- but 47 percent would prefer an amnesty arrangement.

And if Kony really comes? What happens if the Ugandan rebel leader who is wanted around the world steps out of the jungle and asks for amnesty?

In the little village of Pawel, 30 kilometers (18 miles) from New Lukodi, sits the wise man Jonas Kutiote, protected from the heavy tropical rain by a roof of palm fronds. He has years of experience with remorseful criminals. "First, Kony has to bring a goat with him." He says that is the equivalent of admitting his guilt.

Kony would slaughter the goat together with the victims -- for example, the village elder of one of the communities that he attacked. A bitter drink is brewed from the root of the oput tree and the animal's blood. "The perpetrator and the victim kneel down, fold their hands behind their backs, and drink together out of one bowl. Then the crimes are forgiven. Life can continue." In addition, some form of compensation, even of a purely symbolic nature, must be made.

"Mato oput" is the name of the ceremony, which is the main reconciliation ritual following an act of violence. The Acholi in northern Uganda have been resolving conflicts like this for centuries. "Our tradition is very strong. It can bring peace. Even Kony would be protected from acts of revenge afterwards," says Kutiote.

Revenge and punishment are not so important in traditional African culture. The idea is to symbolically restore the honor of the victims in an official ceremony. The perpetrator admits his guilt in front of everyone. A study conducted by the German aid organization Caritas claimed that mato oput is even capable of easing the severe psychological trauma that many victims, like the people from Lukodi, have suffered.

This explains why Calvin Ocora from Lukodi would rather rely on mato oput than on Luis Moreno-Ocampo. Ocora is still haunted by bad dreams at night. During the day, he sits under his mango tree and waits.

But there is no sign of the man with the goat.

## BBC Online

Monday, 19 January 2009

### First Khmer Rouge trial date set

A UN-backed tribunal in Cambodia has set 17 February as the start date for the long-awaited first trial of former Khmer Rouge leaders.

Kaing Guek Eav - better known as Comrade Duch - will be the first in the dock, facing charges of crimes against humanity and war crimes.

He ran Tuol Sleng prison, where detainees were tortured and executed.

As many as two million people are thought to have died during the Khmer Rouge government in the late 1970s.

The process of bringing the regime's leaders to court has suffered years of procedural delays, and no major figures have yet stood trial.

Duch was in charge of the notorious facility known as S-21 or Tuol Sleng, where about 15,000 prisoners were systematically tortured.

Those who survived the ordeal were sent for execution in the so-called "killing fields".

Officials have indicated that Duch has been co-operating with the investigating judges and is willing to testify in court.

The BBC's correspondent in Cambodia, Guy DeLauney, says Duch is expected to reveal important information about the decisions made by the organisation's leadership.

Justice for the survivors of the Khmer Rouge era now seems tantalisingly close, our correspondent says.

The initial hearing in February will examine the lists of witnesses to be brought by the prosecution and defence, and rule on the extent of participation by "civil parties" - victims of the Khmer Rouge who have asked to be given a voice at the trials.

The trial proper should follow in March.

Barring any unexpected problems, next month's hearing should be the final significant piece of court business before the start of the first trial, he says.



**Duch ran a Khmer Rouge prison where almost all inmates were killed**

### WHO WERE THE KHMER ROUGE?

Maoist regime that ruled Cambodia from 1975-1979

Founded and led by Pol Pot, who died in 1998

Abolished religion, schools and currency in a bid to create agrarian utopia

Up to two million people thought to have died from starvation, overwork or execution

### [Brutal Khmer Rouge regime](#)