

**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:**

Thursday, 25 June 2009

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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**Local News**

NACSA in Symbolic Reparations Upline / *For di People* Pages 3-4

**International News**

UNMIL Public Information Office Media Summary / *UNMIL* Pages 5-8

Bosnia Wartime Commander Jailed for Two Years / *Reuters* Page 9

Duch: “Everything I did, I Did it to Please My Superiors” / *Ka-set* Pages 10-14

Saints, Sinners And The Law / *Poder360°* Pages 15-16

US: Support Law on Crimes Against Humanity / *Human Rights Watch* Pages 17-18

For di People  
Thursday, 25 June 2009

## NACSA IN SYMBOLIC REPARATION UPLINE

**AS PART of the implementation of the Reparations Programme, the National Commission for Social Action has been busy organising symbolic reparation activities across the country.**

The first activity was organised in Bomaru, Kailahun District on 23 March 2009 and since then, symbolic reparations activities have been organised in Bandajuma and Kpanga Kabonde Chiefdoms in Pujehun; Bombali Sebora Chiefdom; and Tene Chiefdom, Tonkolili District.

Symbolic reparations refer to measures that facilitate the communal process of remembering and commemorating the past. They are measures to restore the dignity of victims and survivors, and include reburials, erecting tombstones, memorials and monuments and the renaming of streets and public facilities.

Speaking during symbolic reparation programme in Pujehun on 30 May, the Minister of Mineral Resources and Political Affairs, Alpha Kanu, who represented the President, expressed government's commitment to the reparations programme which he said is a major step towards consolidating peace in the country.

Lamin Jusu Jakka, a war victim shed tears while recounting how he was amputated during the war and said they will forgive but will not forget. He thanked government for implementing the reparations programme, which he said, will go a long way in healing the wounds of the conflict.

In Bombali, where the ceremony was organised on 12 and 13 June, the Paramount Chief, Kasanga Shebora, expressed gratitude to government for making moves towards restoring societal ties and showing respect to victims killed and buried without proper respect during the conflict.

The Minister of Presidential Affairs, Joseph Koroma explained that symbolic reparation is particularly important because it not only acknowledges the harm done and the sufferings of victims, but it shows that no amount of money or service will be sufficient to compensate the victims.

He said the war affected all Sierra Leoneans and that in every part of the country societies were affected, but as we are one people, we have no where to go but to forgive and reconcile. This, he said, is why government is committed to implement the recommendations

**Continued Page 10**

# Nacsa In Symbolic Reparation

From Page 5

of the TRC. The Chairman of the National Commission for Human Rights, Edward Sam, called on the local people to take ownership of the programme and to let the memorial serve as a symbol that never again will people resort to violence.

Major activities undertaken during the programme in the chiefdoms included cleansing of secret society bushes, vigils and reburial of symbolic corpse, quranic recitals and cultural displays.

Elaborating on the significance of symbolic reparations, the Deputy Commission of NaCSA, Charles Rogers explained that the Sierra Leone conflict not only affected individual lives, but also communities, people's belief systems and cultural heritages:

Traditional and community meeting spaces and institutions were demolished and desecrated;

people were forced to commit sacrilege against symbols of their religions or faith; traditional authorities and institutions, including secret societies, were brought to disrepute; and people were killed and buried (some in mass graves) without any observance of religious or traditional rites or ceremonies.

Symbolic reparations, consisting of certain public acts and civic rituals seek to restore social ties broken during the conflict and symbolic observance of certain rites and ceremonies (e.g. funeral rites) are mechanisms to restore the dignity of victims and survivors. Symbolic reparations also provide continued public acknowledgement of the past and address the demands on the part of victims for remembrance.

NaCSA is implementing the reparations programme as recommended by the TRC to respond to the needs of victims and promote healing and reconciliation.

**United Nations**  **Nations Unies**

United Nations Mission in Liberia (UNMIL)

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## UNMIL Public Information Office Media Summary 24 June 2009

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

### **International Clips on Liberia**

#### **Expert Panel Urges Security Council to Extend UN Mission**

Source: All Africa Global Media Date: June 24, 2009

Jun 24, 2009 (UN News Service/All Africa Global Media via COMTEX) -- A group of experts monitoring United Nations sanctions on Liberia has called for the extension of the world body's peacekeeping mission in the West African country to assist the Government in regaining control of its natural resources. The mid-term report of the Panel of Experts on Liberia recommended that the UN Mission, known as UNMIL, help Monrovia re-establish administration of its natural resources and authority over mining and forestry. The group also said that efforts to ensure that rough diamonds from Cote d'Ivoire do not enter Liberia must be intensified through strengthened internal controls over diamond mining and trading, as well as continued collaboration with the Kimberley Process - an international initiative joining governments, industry and civil society to stem the flow of conflict diamonds - and with neighbouring countries. The panel of experts was appointed by Secretary-General Ban Ki-moon in July 2007 to renew investigations of whether UN sanctions against Liberia are enforced after learning of allegations that former president Charles Taylor may still have access to considerable wealth.

### **International Clips on West Africa**

#### **Five-Star Hotel for Salone**

Cecil Nelson

Freetown, Jun 24, 2009 (Concord Times/All Africa Global Media via COMTEX) -- Minister of foreign affairs and international cooperation, Zainab Hawa Bangura Thursday officially handed over 8.2 acre of land at Aberdeen to the Libyan ambassador for the construction of a five-star-hotel in the west-end of Freetown. During a brief handing-over ceremony at the compound of the former United Nations helipad, Mammy Yoko, Mrs. Bangura said the presentation of the land to the Libyan African Investment Company-Sierra Leone (LAICO) was yet a demonstration of president Koroma's vision to invest in the service industry thereby creating jobs particularly for the youth. "The construction of the hotel marks yet another important day for the promotion of the tourism sector in Sierra Leone," she said.

### **Local Media – Newspaper**

#### **Maritime Commissioner Vows not to Fully Disclose Re-negotiated LISCR Contract**

(New Democrat, The Inquirer, Daily Observer, The News, The Analyst)

- Speaking at a news conference in Monrovia, the Commissioner of the Bureau of Maritime Affairs (BMA), Binyah C. Kesselly has vowed not to disclose all the terms and stipulation to be

contained in the re-negotiated agreement between Government and the Liberia International Shipping Registry (LISCR).

- The Maritime Commissioner said the decision not to disclose in total the agreement is aimed at protecting LISCR's interest.
- Meanwhile, Commissioner Kesselly has disclosed that the country's Maritime programme is targeting to generate US\$16 million in support of the country's fiscal budget for 2009/10.
- The amount will represent a US\$2 million increase over the US\$14 million the Government generated from the country's maritime program in support of the current 2008/09 fiscal budget.

### **Japan Donates US\$3.3M Rice to Government**

(The Informer, Heritage, Liberian Express, The News)

- The Japanese Government has donated a consignment of 8,000 metric ton of rice to the Liberian Government.
- The rice valued at US\$3.3 million is expected to arrive at the Freeport of Monrovia today.
- A ministry of Commerce statement said the rice will be sold and the proceeds deposited in a special account at the Central Bank of Liberia (CBL) for development projects mainly in the Agriculture sector.

### **Threshold Bill Passage Experiences Hitches Again**

(The News, Daily Observer)

- Amidst heated debate the Senate has again failed to reach a consensus on the passage of the controversial population threshold bill.
- In its sitting Tuesday, the Senate was divided on the figure at which to set the threshold and defer the passage to Thursday this week.
- In a report, the Senate's joint committee on Internal Affairs and Judiciary recommended forty-eight thousand as the threshold provided that no County shall have less than two representations in the Lower House.

### **ECOWAS-Spain Sign Sub-regional Agreement**

(Heritage, The Analyst)

- An Executive Mansion release issued in Monrovia said the Economic Community of West African States (ECOWAS) and Spain have signed an agreement to strengthen West African sub-regional integration.
- Under the agreement, Spain resolved to strengthen sub-regional capacity in the areas of democratic governance and institutional development.
- The agreement will see the formulation and implementation of the ECOWAS Technical, Vocational Education and Training initiative which is expected to improve and establish training centres within the region.

### **Disparity in Government Salary Structure to Be Addressed**

(Daily Observer, The News, New Democrat, Heritage)

- The Civil Service Agency (CSA) has announced plans to address the growing disparity in Government salary structure.
- Addressing a news conference to commemorate International Public Service Day, Civil Service Director, Dr. C. William Allen said experts from the World Bank are currently in the country to put in place systems to correct the disparity.
- Meanwhile, Director Allen said transparency, accountability and performance remain major challenges for the Government's vision of public service.

### **Education Minister Breaks Ground for School Complex in Nimba**

(Daily Observer)

- Education Minister, Dr. Joseph Korto has broken ground for a modern school under the sponsorship of UNICEF.
- The school which symbolizes 'peace' will cost about US\$600,000 and it is expected to be completed by September this year for immediate use by the Government.
- In remarks at the ceremony, Dr. Korto thanked the UNMIL Bangladeshi Engineering Battalion in the area for clearing the area for the school.
- The new school when completed will contain a mini radio station, computer centre, a modern playground among other facilities.

### **Government, UN Hold One-Day Workshop on Birth Registration**

(Liberian Express)

- The Ministries of Health and Internal Affairs in collaboration with United Nations Children Fund (UNICEF), the United Nations High Commission for Refugees (UNHCR) and Plan International today held a one-day workshop on birth registration for all stakeholders from Bomi, Gbarpolu and Grand Cape Mount Counties.
- The workshop was intended to sensitize all constituents on the need and demand for a universal birth registration system in the country.

### **Ukraine Rotates Peacekeepers in Liberia**

(Liberian Express)

- The Defense Ministry of Ukraine said that it has started its planned rotation of its peacekeeping contingent in Liberia.
- In a statement, the Ministry said the 13<sup>th</sup> rotation of the 56<sup>th</sup> detached Helicopter group began yesterday.
- The group has been deployed in Liberia since 2004 and comprises 300 servicemen, eight Mi-8 Hip purpose helicopters and six Mi-24 Hind attack helicopters.

**Local Media – Star Radio** (*culled from website today at 09:00 am*)

### **Threshold Bill Passage Experiences Hitches Again**

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

### **Land Commission Act Finally Passed**

- The Senate has passed into law the Act establishing a Land Commission in Liberia following the sorting out of some differences between the Senate and the House of Representatives.
- The land Commission would be responsible to handle land issues and resolve any disputes.
- The Senate passed the Land Commission Act with a notation that it be included into the 2009/2010 draft budget.
- Under the Act, the Land Commission would compose of seven Commissioners and have a lifespan of five years instead of existing perpetually.

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

### **ECOWAS-Spain Sign Sub-regional Agreement**

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

### **Education Minister Says No National Education Plan**

- Speaking at the start of a two-day Education Sector Review Consultative meeting in Monrovia, Education Minister, Dr. Joseph Korto says there is no national plan for the educational sector of the country.
- Minister Korto said this is due to the absence of a requisite reliable data for the formulation of quality policy decisions.

### **Senator Kupee's Arrest Warrant Reaches Justice Ministry**

- Police authorities in Monrovia say they have forwarded the arrest warrant of Senator Sumo Kupee to the Justice Ministry.

- The decision by the police followed a court warrant for the arrest of the Lofa County Senior Senator in connection with a “ritualistic” killing in Zorzor, Lofa County.
- Reports say despite being in possession of the writ of arrest the Justice Ministry is yet to order the arrest of Senator Kupee.
- Correspondents say some of those accused have already been arrested and detained in Lofa County.

### **Rights Group Blames Government for Mob Violence, But Authorities Disagree**

- The Human Rights Monitor of the United Methodist Church has blamed the country’s justice system for the constant wave of mob violence across Liberia.
- The Programme Director of the group, Jefferson Knight said people were resulting to mob violence because they lack confidence in the justice system and called for the review of the country’s justice system to win back public trust.
- But reacting to the assertion, Deputy Information Minister for Information Services Gabriel Williams said Government inherited a broken system and was in the process of rebuilding it.

### **Truth F.M.** *(News monitored today at 12:00 noon)*

#### **Japan Donates US\$3.3M Rice to Government**

#### **Maritime Commissioner Vows not to Fully Disclose Re-negotiated LISCR Contract**

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Reuters

Wednesday, 24 June 2009

### **Bosnia wartime commander jailed for two years**

Bosnian Muslim wartime commander Naser Oric was jailed for two years on Wednesday for the illegal possession of weapons and explosive devices but the Sarajevo court acquitted him of extortion charges.

Oric was arrested in October, three months after the U.N. war crimes tribunal overturned his conviction for failing to stop the murder of Bosnian Serbs more than a decade ago.

The court said Oric was found guilty of possessing weapons and banned ammunition but could not prove charges that he extorted 240,000 Bosnian marka (\$171,500) from a Bosnian family.

Oric, who organised the defence of the eastern enclave of Srebrenica during the 1992-95 war, was originally convicted in 2006 by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for war crimes against Bosnian Serbs.

But after an appeal, the Hague-based court acquitted him of all charges last July and Oric is regarded as a hero by many Muslims for leading the defence of Srebrenica which was later overrun by Bosnian Serbs who killed 8,000 Muslims.

However, the overturned conviction angered many Bosnian Serbs who see the tribunal as biased against them and say that more than 3,000 of their own people had been killed by forces under Oric's command. (Reporting by Maja Zuvela; Editing by Alison Williams)

Ka-set

Thursday, 25 June 2009

## Duch: “Everything I did, I did it to please my superiors”

By Stéphanie Gée



*Kambol, Phnom Penh (Cambodia). 22/06/2009: In the press room at lunch time, during Duch's trial at the ECCC*

©Vandy Rattana

During the hearing on Tuesday June 23rd, Alain Werner, co-lawyer for civil party group 1, suggested to the accused another way to look at his role at the head of S-21 – and hence his personality – which departs from what Duch has explained until now during his trial, in other words, that the former director of the security centre where over 12,000 people lost their lives was no other than a zealous cadre. Shortly afterwards, the defence counsel presented a rueful Duch by showing an excerpt from the footage shot during the reconstruction at Choeung Ek and S-21. Also, the tribunal's international co-Prosecutor, Robert Petit, announced his resignation (see textbox).

### Did Duch encourage torture?

Alain Werner introduced his examination by acknowledging that the accused had been in the last few days bombarded with questions and had not eluded any of them. He respectfully invited him to continue giving short answers and launched into a sagacious and uncompromising interrogation that however failed to unsettle the accused.

Why did Duch give importance to interrogator Toch – who, as he repeatedly stressed, enjoyed torturing prisoners in S-21 and using the “hot method” – while he knew his sadistic inclinations? Duch acknowledged: should an interrogator fail to extract a confession from a detainee, the latter would be entrusted with Toch and the result was guaranteed. The Swiss lawyer went further: “You declared before the judges [last Tuesday] that the young interrogators could be extreme and that some of them did not control themselves and were cruel. Sir, do you accept that by giving importance to a sadist such as Toch [...], you were encouraging the young interrogators in S-21 to be cruel as well and inflict unnecessary suffering?” “You said I pushed him further. No, I never did that,” Duch replied. “I continued to trust him [Toch], to give him advice that allowed him to feel more or less comfortable in relation to torture and to continue performing it...”

Although Duch recognised the existence under Democratic Kampuchea of a real general policy of the Communist Party of Kampuchea (CPK) to starve the population, Alain Werner gave an example proving that “he could have acted otherwise” and fed better the prisoners under his authority and dying of hunger. In 1978, while rice was lacking due to numerous floods, the accused chose to offer a rice production surplus to Angkar through Nuon Chea. “Why?”, the lawyer asked. “These crimes against humanity are part of a context. I had enough rice in my hand but I did not dare to give that rice to the prisoners detained in Phnom Penh. [...] I never dared to make any changes to food rations for the prisoners,” such as defined by the party policy, the accused explained.

**Alain Werner: “We believe that is not the truth”**

Alain Werner continued, “You explained you didn’t visit the main prison because you had no choice other than to ‘avoid being in contact with the prisoners [...] because when [you] saw them, [you were] very upset, so why try and see them,’ ‘because [you] did not allow [yourself] to see or hear anything.’” “In summary, what you are telling us is that the reason why you did not go the main prison [...] is that it would have upset you. Sir, we believe that is not the truth,” the lawyer said. “What we believe is that when you were the director of S-21, everything you did, you did it to please your superiors, Son Sen, then Nuon Chea. You went to the artists’ workshop because you wanted the work on the sculptures to progress to please Pol Pot. You followed the interrogation of Vietnamese [prisoners] because you wanted the radio broadcast to be good quality to please your superiors. Also, you spent all your time, including the nights, on the confessions to produce lists of enemies to please your superiors, Son Sen and Nuon Chea. What we believe is that the reason why you probably did not go often to the main prison is that it was not useful to you in any way. The suffering of the detainees was no use to you. None of it served your personal promotion and as a result, you were completely indifferent to this suffering. And we believe that this suffering did not matter to you, it did not interest you and it did not upset you. “Do you accept that today?”

Duch was in no way taken aback and did elude the question. “What you claimed about my emotions is fundamentally accurate. I endeavoured to please my superiors. I pushed my subordinates to work better in order to please my superiors. I tried to note the confessions with the intent to please my superiors. So, everything I did, I did it to please my superiors. [...] However, I would like to say I did not go and see my friends who were detained in the prison [...] because I could not talk with them. [...] In conclusion, when Alain Werner says I was a coward, it is true, but it went beyond cowardice as I had betrayed my friends, my teachers, in order to be able to survive. Here, before this Chamber, I declare that I am responsible for the crimes I have committed and I would like the Cambodian people to see that I recognise the crimes I committed during that period.”

**“I survived because I was always honest and loyal with my superiors”**

Recalling the words of expert Craig Etcheson, who came to the stand to testify and stated that Duch's promotion to the direction of S-21 resulted in particular from the practice of establishing lists of enemies that he developed and refined, the lawyer asked: "Is it true that you were promoted as director of S-21 because you had succeeded so well at pleasing your superiors and they appreciated the lists of enemies?" Duch said he wanted to leave Alain Werner's hypothesis aside and preferred to discuss the way he tried to satisfy his superiors. "It's true. I worked day and night, with no fear of exhaustion, in order to satisfy my superiors. My boss appealed to me day and night and I executed the orders I was given." And if it was necessary to be "creative," "it was in the context of the party line. Otherwise, one could be accused with treason. [...] My capacity to innovate was limited by the party line," he insisted.

Duch was accused in at least two confessions, and not the least. However, he survived. "Why did nothing happen to you?", the lawyer asked him, sketching an answer: "Was it because you were protected by Son Sen and Nuon Chea, who appreciated your zeal?" Duch seemed to have the answer to everything. The first confession, that of a former professor, incriminated him for facts dating to 1956-57, he explained, and "the superior echelon therefore deemed this information to be insignificant." As for the second, that of Vorn Vet, his former supervisor, his name featured on the last page and he did not attempt to modify the confessions to make his name disappear. The accused thus concluded, as it were obvious: "I survived because I was always honest and loyal with my superiors."

### **Who controlled who?**

Alain Werner still had some ammunition. He reminded the accused he had repeatedly said he collaborated "closely with Son Sen." Yet, the latter, as Craig Etcheson explained, held various important functions concurrently and must have been "an extremely busy man." "I also find it hard to believe that someone with national responsibilities as important as those of Son Sen would devote time to the interrogation or execution of [prisoners of little importance]. Wasn't it true [...] that for people who were not considered important in S-21, Son Sen, because he was a very busy man, was not involved at all in the interrogations, the confessions or the executions. In reality, you were the one who took the decisions, nearly without any supervision, for the interrogations, confessions and supervision of those who were not important in S-21, weren't you? Do you accept that?" Duch maintained his stance: "The work I performed in S-21, I did it on the orders of my superiors. There was an organisational line. Did I receive orders from my superiors? It is true that my superior had a lot of work himself, since he was a member of the Central Committee [...]. But who controlled who? My superior would not have allowed me to act freely. He followed closely the work I did, by telephone, on a daily basis, and gave me instructions on all aspects. [...] My superior checked every day what I did in the execution of orders received. That does not mean he was not aware of what I did, even if he had a lot of other things to do. He was very intelligent and was twelve years older than me. I do not want here to shift the blame on my superior [...]. I had the obligation to apply the orders I received from my superior."

### **Could Duch have released prisoners?**

The lawyer then evoked six lists of prisoners allegedly released. A decision of his predecessor, Nath, former director of S-21, who Duch claimed in court attempted to conceal his fault, that of ordering on his own initiative the arrests of these individuals. The people whose names featured on these lists were not released in the end, according to Duch. “The reason why, yet today, and despite the existence of these lists, you refuse to acknowledge that people were indeed released from S-21 is that it shows it was not impossible to release someone from S-21 and this sets a question that embarrasses you: why you did not yourself release people who were detained in S-21 and were innocent of any crime, which you knew. Do you accept this hypothesis?” “You cannot hide an elephant with a leaf,” Duch defended himself. He denied that prisoners could have been released and recalled that “outside of the Angkar, nobody had the right to release anyone.”

### **Duch alleges he did not kill anyone with his own hands in M-13 or S-21**

The defence then took the floor. François Roux, Duch’s international co-lawyer, requested that the trial management meeting scheduled for Thursday [June 25th] afternoon be moved to the day’s afternoon [on June 23rd], as he was forced to go back to France for family reasons. His request was accepted by all and the hearing was thus adjourned at lunchtime.

Kar Savuth, the Cambodian co-lawyer for the accused, focused his questions on Nath, the former director of S-21, whose deputy Duch was before he was entrusted the direction of the security centre. Duch described him as a manipulative man, who had people arrested on his own initiative, “in an arbitrary manner,” and whose actions were caught by the vigilance of the superiors. Likely a way to demonstrate once more that one could not stray from the party line and not follow the orders without being at risk of being discarded, as it happened to Nath. His lawyer prompted him to say his hands were not bloodstained – “whether in M-13 or S-21, I never killed anyone with my own hands,” Duch confirmed – and that the great leader of the murderous regime was none other than Pol Pot. Although the lawyer sought persistently to clear his client, the latter did however not deny the role he played in the death machine.

### **François Roux shows a repentant accused**

François Roux’s intervention was brief and focused on the reconstruction in February 2008 carried out in S-21 and Choeung Ek, following a proposal of the defence to the co-Investigating Judges. Duch reported that returning to those places shocked him as much as it upset him, a moment he would never forget, he said. “I pray to God to be forgiven for these souls,” he added. François Roux then requested an extract of the footage shot during the reconstruction to be broadcast. It showed the accused speaking to survivors present during the reconstruction. Duch was seen solemnly reading a text he held in his hands. He explained he was upset to find himself back in these “painful” places, said he thought about “the unfortunate victims and their families” who “suffered countless inhuman miseries, tortures and insults, before dying.” He then froze, unable to continue his statement. He hiccupped before crumbling into tears, turning his back to the camera. His two lawyers put their hands on him. He turned around, distraught, his lips sealed

in a wince of affliction.

The sequence, shown on the screen, Duch seemed to watch it from a distance in the courtroom. “Since the S-21 tragedy, have you made offerings for the souls of the victims?”, his lawyer asked him. “I make an offering every year. First, I ask forgiveness from my parents, then I ask forgiveness from my teachers, then finally, I ask forgiveness from all the victims of the crimes. I do it all the time. That is what I used to do until I was imprisoned. From then on, I was unable to make offerings,” the accused declared. Since he converted to Christianity, it is God he prayed for the souls of the victims. He then requested to be authorised to return to the case of Professor Phung Ton, who died in S-21 and whose widow and daughter participate to the trial as civil parties. The president denied him the opportunity. It was indeed not the right time. However, Nil Nonn promised him he would have the opportunity, when the debates close, to “talk to the victims, their families, the Cambodian people and the whole world,” before the judges decide their ruling.

Poder360°

Thursday, 25 June 2009

## **Saints, Sinners And The Law**

Why the international criminal court could make the difference in the case of darfur.

By Luis Moreno-Ocampo

As the new and permanent International Criminal Court's first prosecutor my mission is to put an end to the prevailing impunity in genocide cases, crimes against humanity and war crimes; as well as to contribute to the prevention of future crimes. While the Court's jurisdiction covers the world, today I am writing about Darfur and why the Court can make a difference there.

There are those in the world who answer violence with forgiveness. Archbishop Desmond Tutu, an architect of reconciliation in a post-apartheid South Africa, is among them. He is a moral hero, a saint. I must confess that I am no saint. They may brand me a sinner, but if someone were to rape and murder my daughter I would not be capable of forgiving. No one can make me reconcile myself with a criminal. Reconciliation is an individual goal; it can be promoted, but not imposed.

But I would not kill the murderer. If I kill, then I should be punished. That is the law. We need moral heroes to show us the way, but we also need the law to control our violence. The law allows sinners to live within a community. The law gives communities the tools for ensuring coexistence and respect.

If most of us were like Desmond Tutu, the law would be unnecessary. People with such convictions can put aside their personal passions and always choose the better moral decision and therefore do not need a legal system. But if most of us are sinners... The law is an important tool for controlling violence. It is a fundamental tool for managing society's conflicts. We need law to establish limits, and the courts to apply the law. Without law there is no society.

For the past 60 years we have tried to establish these kinds of legal limits on an international scale. The international community has committed to "never again" permit genocide or massive crimes. Nevertheless, during the past six years massive crimes have been committed in Darfur. No effort at negotiation has been able to stop the crimes.

Most villages have been destroyed. There are 2.2 million inhabitants of Darfur living in refugee camps. They are dying slowly. Since March 2003, Sudan's President Omar Hassan al-Bashir has attacked them in their own homes; the women and children have been raped, their livestock stolen and their water supplies destroyed. They have been displaced. Who protects the victims when it is the president who orders the crimes? The international community is sending large-scale humanitarian aid to keep them alive. Bashir has adopted a new strategy for completing his extermination. Since the international community has been monitoring, fewer mass graves have been found, there has been less shelling and direct killings have decreased. His new extermination methods include mass violence against women and girls, famine, disrupting the distribution of humanitarian aid, killing millions slowly.

It was not clear to anyone that the delay in granting visas to the personnel bringing humanitarian aid was part of the extermination campaign. No one saw the connection between the accumulation of bureaucratic requirements for the authorizations of food aid transports and the commission of massive crimes. Nevertheless, thousands die every month in refugee camps.

On March 4, 2009 the International Criminal Court found that Bashir should be arrested to be brought to justice for his crimes, the killings and the extermination. Sudan, according to international law, is required to execute the arrest warrant within its territory. If it does not make the arrest, the United Nations Security Council, which referred the case to the International Criminal Court, would have to see that the order is carried out. The moment Bashir travels outside of his country he would be arrested. Like Slobodan Milosevic or Charles Taylor, his future will be one of facing justice. This may happen in two months or in two years, but he will be submitted to justice.

The Court is permanent, so we can wait, but the victims cannot. To prevent the continuation of crimes we need to act now. After the Court's decision, Bashir expelled humanitarian aid organizations, another move in the extermination process. The question is not what Bashir will do next? He will continue to commit crimes.

The question is what the rest of the world will do? The crimes in Darfur have gone on because the international community has had manifold priorities and has never delivered a clear, strong or unified message. If the international community united itself, the extermination would cease. But the message should be truthful: what is happening in Darfur is not a humanitarian crisis; it is extermination.

The Court is not asking international forces to intervene... but neither does it want to ignore what has taken place. It is necessary for all the players to act together, denouncing the crimes, Bashir's responsibility and acknowledging the need to arrest him. The presidents of Argentina and Brazil have already set their guidelines refusing to meet with him at any international gatherings.

This is a new chapter of history. It could prove to be another chapter of missed opportunities or that of a new era: of global leaders united to prevent massive crimes. What's at stake are the lives of 2.5 million people, and also our future as a global community, our ability to use the law to ensure our coexistence. Are we promoting the use of large-scale violence to acquire and maintain power? Or are we promoting a community of nations governed by basic standards? We must, as Archbishop Desmond Tutu says, choose sides.

## Human Rights Watch

Wednesday, 24 June 2009

### **US: Support Law on Crimes Against Humanity**

The Crimes Against Humanity Act is an important step to ensure accountability for the worst crimes. Those who commit crimes against humanity would no longer be able to escape justice by coming to the United States.

Richard Dicker, director of International Justice Program(New York) - A newly proposed US law on crimes against humanity would make an important contribution to ensuring justice for atrocities committed anywhere in the world, Human Rights Watch said today.

The proposed law, the Crimes Against Humanity Act of 2009, would make it a crime under federal law to commit a widespread and systematic attack against a civilian population that involves murder, enslavement, torture, rape, arbitrary detention, extermination, hostage taking, or ethnic cleansing. The law applies to such crimes committed anywhere in the world by a US citizen or any person present in the United States regardless of nationality. Senator Richard Durbin of Illinois introduced the legislation.

"The Crimes Against Humanity Act is an important step to ensure accountability for the worst crimes," said Richard Dicker, director of Human Rights Watch's International Justice Program. "Those who commit crimes against humanity would no longer be able to escape justice by coming to the United States."

The law will significantly help to close a major loophole in US law, which has to date not addressed crimes against humanity. The law would cover such abuses as widespread murder and rape in Darfur and the Ogaden area of Ethiopia.

The Crimes Against Humanity Act is one of several laws proposed by Durbin to make international crimes prosecutable offenses in the United States. The Genocide Accountability Act and Child Soldiers Accountability Act, which were also proposed by Durbin, were passed in 2007 and 2008. The bill faces a vote by the Senate Judiciary Committee before being considered by the full Senate. Final passage will require enactment by the House of Representatives.

"The Crimes Against Humanity Act can help promote respect for human rights by sending a strong signal that there is no safe haven in the United States wherever these crimes are committed," said Dicker. "Senator Durbin's bill making these crimes punishable under US law should be enacted into law."

Human Rights Watch noted its concern that the proposed law diverges from the internationally accepted definition of crimes against humanity. Most notably, the bill requires that an attack on civilians be both widespread and systematic, as opposed to the broadly recognized standard of "widespread or systematic" attacks. This could result in a higher hurdle for bringing a charge of crimes against humanity.

The proposed legislation, rooted in existing US criminal law, differs from international definitions of crimes against humanity in other respects. For example, there are variations in the way certain crimes, such as persecution and the crime of deportation or forcible transfer of population, are defined that could limit the laws reach. It would be preferable to have US law more closely mirror international definitions of crimes against humanity.

A key issue for laws on international crimes is that they are actually applied, Human Rights Watch said. The US government made an important move in this direction with its first prosecution under a federal law that prohibits torture committed anywhere in the world in 2008, when it prosecuted Charles "Chuckie" Taylor, Jr. for torture committed in Liberia. Human Rights Watch has urged more prosecutions of this kind.

"To limit these horrific offenses, once enacted, the US government should apply the crimes against humanity law vigorously against alleged wrongdoers wherever the crimes occurred and whatever the nationality of the accused," Dicker said.