

**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

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Press clips are produced Monday through Friday.
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The Informer (Liberia)

Thursday, 24 December 2009

Sierra Leone: Mongolian 'Red Heroes' Honored for Upholding Security At the Special Court

UN Envoy Ellen Margrethe LÃj, has awarded two hundred and fifty members of the Mongolian Guard Force peacekeeping medals for their role in contributing to peace-building efforts and the dispensation of justice while guarding the Special Court for Sierra Leone.

In her remarks in Freetown on 21 December, Ms. LÃj warmly referred to the peacekeepers as the UN's Red Heroes - a term popularly coined to denote 's Capital - Ulan Bator and said

"Your contributions have had a positive impact here in and in the entire West African region."

Envoy LÃj honored them for providing security for the Special Court for , which is mandated to try those bearing the greatest responsibility for serious violations of international humanitarian and Sierra Leonean Law, committed during the conflict in the country. Ms. LÃj further acknowledged the role the Mongolians recently played in ensuring security during the transfer of eight persons convicted by the Court to to serve their sentences.

The UN Mission in ended its operations at the end of 2005. Earlier that year, the Security Council mandated the UN Mission in Liberia (UNMIL) to take on the task of providing security to the detainees and the Court, and accepted the responsibility.

The ceremony was attended by: Sierra Leone's Assistant Chief of Defence Staff, Operations and Plans, Brigadier-General KSM Mondeh; Mr. Hagoss Gebremedhin; Officer-in-Charge, United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL); Acting Registrar of the Special Court for Sierra Leone, Ms. Binta Mansaray; UNMIL Force Commander, Lieutenant General Sikander Afzal; Director of Mission Support, Mr. Stephen Lieberman; and Senior UNMIL Military and Civilian Officials.

UNMIL Public Information Office Media Summary 29 December 2009

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

International Clips on Liberia

A year after deadly blaze, holidays bring heartache

The Philadelphia Inquirer, 29 December 2009

In holiday seasons past, Alfred Teah always decorated his West Philadelphia rowhouse with long chains of colored lights and blinking decorations "from the second story, down to the front yard." This year, those decorations sit in a box in his basement. "Eventually, I'll give them away. I'm not going to need them anymore," said Teah, 48, a Liberian immigrant who lost three grown children and a baby grandchild in a day-after-Christmas blaze last year that claimed seven lives in Southwest Philadelphia. The victims, including two other children and an adult man, were all of West African descent. "Time heals wounds. That's what they say. With me, there have been times when I tried to be happy," Teah said yesterday, his voice quavering. "But I don't think I will ever get healed." Teah, who drives a shuttle bus for the city at Philadelphia International Airport, said he had been coping, "trying to hold on as much as I could," until a week ago, when he found himself crying all night during a 9 p.m.-to-6 a.m. shift.

US sailor perishes after bout of falciparum malaria

www.examiner.com 28 December 2009

A US sailor assigned to a humanitarian construction project in Monrovia, Liberia has succumbed to the deadly form of malaria caused by Plasmodium falciparum. Petty Officer 3rd Class Joshua Dae-Ho Carrell, a builder assigned to Naval Mobile Construction Battalion 3, was transported to Landstuhl Regional Medical Center in Germany on December 22 and he died 4 days later according to Stars and Stripes. According to an Army epidemiologist, that was the only malaria related death in the past two years among US troops. Navy officials did not say if Carrell had been taking anti-malarial medication.

International Clips on West Africa

Guinea

Guinea holds arrested soldiers for police probe

CONAKRY, Dec 29, 2009 (AFP) - Fifteen soldiers who were due to be freed on the orders of Guinea's interim ruler, General Sekouba Konate, were kept in custody Tuesday by gendarmie police, a judicial source said. The officers and non-commissioned officers, who were arrested when the army seized power in December 2008 or during 2009, are accused of plotting and endangering state security. A senior police official told AFP on Monday night that they had all been released during the day. But their cases were turned over to "the Brigade of Judicial Investigation of the National Gendarmerie (PM3) at the Conakry urban security headquarters," the judicial source said Tuesday. According to a police official, Konate, who is minister of defence, ordered the release of these soldiers on Sunday.

Guinea's interim leader meets ailing junta chief

RABAT, Dec 29, 2009 (AFP) - Guinea's interim leader General Sekouba Konate has arrived in Morocco to see injured junta chief Captain Moussa Dadis Camara, who was shot in the head on December 3, a diplomatic source said Tuesday. "I confirm that the (defence) minister arrived in

Rabat last night to be near" Camara in hospital, the source told AFP. Camara "is now doing much better", the source added. The meeting is the first between the two men since Camara was shot by his then aide de camp, Lieutenant Aboubacar Sidiki Diakite, who is now in hiding. Konate had several times postponed a visit to Morocco, where Camara was flown for medical care. On Monday, the Guinean junta announced that the general was going to Rabat for "a courtesy visit and consultations." Konate took charge of the west African country after Camara was shot, more than two months after soldiers massacred opposition protesters at a stadium in a massacre described by the UN investigators as a crime against humanity.

Ivory Coast

Ivory Coast extends voter list challenges deadline

ABIDJAN, Dec 29 (Reuters) - Ivory Coast's electoral commission extended a period for contesting voter lists by 10 days to Jan. 6 as fewer than half of contested cases were processed, and said that an early March poll remained feasible. The polls, seen as crucial to reuniting a country broken by a 2002-3 civil war, have been repeatedly delayed since 2005 and are now scheduled for the end of February or start of March. Key reforms to the cocoa sector, which is 40 percent of the world market, hinge on the vote. Investors are waiting to see if West Africa's former economic hub can hold peaceful polls. Six million voters registered, a million of them were contested. "(The commission) notes that little more than 40 percent of of the claims awaited have been received and treated," Nicolas Coulibaly, commission spokesman, said in the statement issued late on Monday night. Once contested cases have been processed, Ivory Coast's courts then have eight days to produce a final voter list, but a two-week strike by clerks has created a backlog in courts.

Local Media – Newspaper

Gender Minister Booked for "Theft, Exploitation and Abuse of Power"

(New Democrat)

- The Minister of Gender and Development, Varbah Gayflor has been booked by the Liberia Anti-Corruption Commission (LACC) for abuse of office, illegal disbursement and expenditure of public money.
- Minister Gayflor appeared before the commission sometime ago to answer to charges that she took about US\$23,000 representing allowances from employees at the Ministry, some now dismissed.
- But reacting to the allegations, Minister Gayflor defended her action saying it was done in line with established Civil Service Agency standards that give her the freedom to decide how allowances are disbursed.

Angel Togba Murder Case Re-Opens Next January

(The Inquirer, Heritage, Daily Observer, The Informer)

- Criminal Court 'B' has suspended the Angel Togba murder trial involving Hans Williams and his fiancée Mardea Paykue to next January.
- The court reached the decision Monday after the prosecution announced that it has exhausted all its local witnesses and needed time for its foreign witnesses to arrive in the country for their testimonies in court.
- According to Solicitor General Wilkins Wright, two Ghanaian police investigated the crime scene where the 13-year-old Angel Togba was allegedly killed while a Cuban pathologist performed an autopsy and submitted findings to the government.
- Cllr. Wright said the testimonies of the two Ghanaian police investigators and the Cuban pathologists are necessary and mandatory to support their reports in the successful prosecution of the case.

Another Financial Syndicate Discovered at Finance Ministry

(New Democrat)

- A General Auditing Commission verification of the Ministry of Education payroll has established that Government is losing over US\$1.2 million monthly due to payroll padding.
- The audit which analyzed and compared the Finance Ministry prepared payroll to the personnel listing at the Ministry of Education established inconsistencies with nearly 4,000 “ghost names” appearing on the Ministry of Finance version of the payroll.
- The GAC audit also uncovered 26 missing payroll as well as several other fraudulent schemes.
- Last month four government Ministries and Agencies-the Education and Finance Ministries, Civil Service Agency and the General Auditing Commission (GAC) signed a Memorandum of Understanding (MOU) to support the Education Ministry’s payroll verification process.

Jungle Justice in River Gee ... County Judge Passes Death Sentence

(The Analyst)

- [SIC] The Fifteenth Judicial Circuit Court in Fish Town, River Gee County has found two persons liable for the murder of Abdullai Bah, a Guinean motorcyclist who was recently discovered dead in River Gee County.
- According to reports, Judge Charles Williams sentenced to death by hanging the Paramount Chief of Matuaken Chiefdom, Paramount Chief Wilson Darpoh in connection with the death of the motorcyclist.
- However critics say Judge Williams neglected taking the convicts to the Supreme Court for the affirmation or rejection of the verdict which if affirmed will be taken to the President for the probable signing of the death warrant or a jail term.
- They argued that instead the court unilaterally sentenced Paramount Chief Darpoh to hanging while an additional suspect is been hunted.

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

Kpiai District Citizens Want TRC Report Fully Implemented

- Citizens of Kpiai District in Bong County have petitioned Deputy House Speaker Tokpah Mulbah to vote in favor of the full implementation of the TRC final report.
- The citizens said, the full implementation of the final TRC report was critical to lasting peace and stability in the country noting that when implemented it would serve as a deterrent for would-be warlords.
- They argued that there can be no genuine reconciliation in the country in the absence of Justice.

Sinoe Rubber Plantation Declared Liberated Zone

- Authorities of Sinoe County have declared the Sinoe Rubber Plantation a liberated territory and turned it over to the LEE Group of Company, which signed a contract with government on December 18th this year.
- Assistant Development Superintendent McDonald Wlemus turning over the plantation said the it remains a property of the state and the people of Sinoe County.

“More Inaccessible Places In Liberia,” Says Opposition Politician

- Liberian politician Joseph Cornomia says the visit of President Ellen Johnson Sirleaf to Gbarpolu County during the Christmas holiday highlights the importance of decentralization.
- Mr. Cornomia said what President Sirleaf saw in Gbarpolu, especially Belle District was just a sample of many untold stories in “hard to reach” areas of the country.
- He observed people are living in similar or even worse conditions in other remote parts of the country whose lives are yet to be touched by central government.

Coalition of Political Party Youth Seeks Favourable Atmosphere

- The Coalition of Political Party Youth has called on Government to ensure that the current political atmosphere is sustained.
- The group’s chairman Daniel Fassah said sustaining the state of affairs is critical to the preparation for the 2011 General and Presidential elections.

Truth FM *(News monitored today at 10:00 am)*

Angel Togba Murder Case Opens January 2010

Former Bella Yalla Prisoner Speaks Opposite Of The Prison

- A one time prisoner at the former “notorious” Bella Yallah maximum prison has given a rather opposing view of the horrific nature of the former prison centre.
- A former presidential candidate, David Farhart, said although they were subjected to hard labor at Bella Yallah, they were never tortured or placed in micro cells.

CENTAL Wants Government Implements All Anti-corruption Laws

- The Centre for Transparency and Accountability in Liberia (CENTAL) has called for the implementation of all anti-corruption laws as a means of fighting corruption.
- CENTAL says while it welcomes the issuance of Executive Order #22 to protect whistleblowers, it wants violators of anti-corruption law prosecuted.
- CENTAL’s executive director, Thomas Nah-Doe said the problem of fighting corruption has never been the absence of law but the will power to prosecute perpetrators.
- Mr. Nah-Doe said Executive Order #22 can only be of substance if it is implemented without fear or favour.

The Daily Observer

Tuesday, 29 December 2009

UN Asked to Prosecute Liberia's War Criminals

TRC Indicts U.S. for Failure to End Conflict at Onset

By: Observer staff



(l-r) ABOVE: Charles Taylor and Gen. Prince Johnson; BELOW: Alhaji Kromah and Sekou Damate Conneh

MONROVIA – Liberia's Truth and Reconciliation Commission (TRC) has asked the United Nations (UN) Security Council for its full support in prosecuting individuals, including ex-warlords, indicted for their alleged involvement in the commission of war crimes and gross human rights violations during the country's prolonged armed conflict.

The latest request by the Commission to the UN Security Council is contained in its Edited

and Final Report.

In a section titled "Recommendations to the International Community," the commission called on the UN Security Council to endorse the Final Report.

The TRC also requested that all UN member states, especially those states having universal jurisdiction for international crimes, assist Liberia in prosecuting war crimes and gross human violations committed in the country. The commission further recommended that the UN abandon the practice of appeasement in the mediation of peace agreements that shares power between those who have committed heinous crimes during times of armed conflict. Additionally, the Liberian TRC called for "bold and swift actions in the prevention of conflict to the extent that protective and preventive measures will be taken to halt deadly armed conflict and protect human life."

According to the commission, the UN has a responsibility to prevent conflicts and to rebuild nations and communities affected by conflict.

To this end, the TRC recommended the continued presence of the United Nations Mission in Liberia (UNMIL) for another five years or more and that the capacity of the Economic Community of West African States (ECOWAS) be strengthened to participate in robust peace keeping and peace enforcement operations.

The Commission further underscored the need for regional and sub-regional organizations to continue the process of peace mediation and regional integration until mutual respect is gained for the sovereignty and territorial integrity of member states, and so that their countries will never again be used as safe havens for human rights violators and war criminals.

It further encourages foreign states, international institutions, donor and NGO partners to continue to assist the Government of Liberia (GoL), help to sustain the peace in Liberia and build a strong judiciary that will be the custodian of the people's rights.

The TRC further asserted that post-conflict development and reconstruction in Liberia should be driven by the needs of the people and should be demand-oriented for effective delivery of assistance to the people of Liberia. At the same time, the Commission, headed by Cllr. Jerome Verdier, called on the United States (US) to re-examine and redefine its historic relationship with Liberia and demonstrate in concrete political and economic ways its appreciation for the support of Liberia as a historic political and economic ally.

“America's policies in Liberia present Liberia as a dumping ground for free blacks and slaves from the US and receptive Africans on the high seas. The US and its corporate interests in Liberia have played complex and two contradictory roles as a conflict backer and an ambivalent and benevolent patron state,” the TRC declared, attributing this dichotomous relationship to Liberia's chronic underdevelopment.

In the strongest of terms, the commission pointed out that Liberians suffered unnecessarily because of the failure of the USA and the UN Security Council to take decisive actions to halt the conflict in Liberia at its onset in 1990 and even thereafter.

Already, the TRC has recommended 50 persons for public sanction including lustrations, debarment from holding public office.

The Commission indicated that the public sanctions may take the form of lustrations, debarment from holding public office for 30 years, restitution, public apologies (written or oral) community service, compensation of victims and other social responsibilities for their alleged roles in the Liberian conflict.

Those recommended for the public sanction include political leaders and alleged financiers of different former warring factions.

Among them are the following: Allen Brown, Sr., Randolph Cooper, Ethelbert Cooper, Toga G. McIntosh, Jackson E. Doe, D. Bob Taylor, Dew Mason, Nyan Menten, Clarence Simpson, Byron Tarr, Harry Yuan, current president, Ellen Johnson Sirleaf, Isaac Nyenabo, Kabineh Ja'neh, Archie Williams, Tonia King, J. Appollo Swen, Joe Gbala, Thomas Ziah, Maxwell Karba, Ignatius Clay, Vamba Kanneh, Valee Keita, Paul Mulbah and El-Mohammed Sheriff.

Others include Kwame Fofana, Alieu Kosia, Albert S. Toe, Weade Kobbah Wureh, Octavious Walker, Lavala Supuwood, Tom Woewiyu, Tarnue Marwolo, James Chelley Amos Lincoln, Noah Bordolo, Edward Slangar, Tigae Wontee, Mohammed Joumande, Prince Sio, Abbas Kenneh, Aisha Konneh, Morris Dolley, Alhaji Sekou Fofana, Charles Bennie, Moses Jarbo, K.B.K. Sando, Kai Farley, Joe Tuah and Grace Minor.

The TRC also recommended more than 100 persons for prosecution on various charges including war crimes and violations of international humanitarian laws.

Star Radio (Liberia)

Monday, 28 December 2009

Kpai District citizens want TRC report fully implemented

Written by Clarence Jackson

The People of Kpaii District in Bong County have petitioned Deputy Speaker Tokpah Mulbah to vote in favor of the full implementation of the TRC final report.

The Citizens said, the full implementation of the final TRC report was critical to lasting peace and stability in the Country.

The Citizens believe, the report when implemented would serve as a deterrent for would-be war lords.

According to the Citizens, there can be no genuine reconciliation in the Country in the absence of Justice.

They told Representative Mulbah, although some of the alleged perpetrators have begged for pardon, it was important to implement the report for the sake of peace.

The Kpaii District citizens spoke over the weekend when they met with Deputy Speaker Tokpa Mulbah.

Deputy Speaker Mulbah used the occasion to deliver his fourth annual Legislative report to the citizens.

International Justice Tribune

Tuesday, 29 December 2009

UN: Guinea junta should be tried for crimes against humanity

By Lula Ahrens



Conakry, Guinea

Captain Moussa Dadis Camara, leader of Guinea's junta, should be charged with crimes against humanity relating to a massacre and mass rape during

an opposition rally in September, the UN says in a leaked report.

On September 28th, demonstrators gathered at a sports stadium in the capital, Conakry, to protest Camara's possible candidacy in a presidential election planned for 2010. Troops opened fire on the crowd in what rights groups have called a pre-planned massacre.

According to the UN expert panel, Camara bears "direct criminal responsibility" for the slaughter. They have called on the International Criminal Court to take action against Camara and other junta members. Camara has blamed unruly elements in the army, in a bid to distance himself from the atrocities.

Camara himself was shot in the head by one of his own soldiers earlier this month, after which the country descended into even greater chaos. He was flown to Morocco for treatment where he remains. The report said 156 people were killed. The ruling junta claims less than 60 people died.

Soldiers are also accused of mass murder, mass rape and sexual abuse of women during the protest. The report states that at least 109 girls and women were raped, sexual mutilated or kidnapped for repeated rape, and that hundreds of people were tortured.

The EU tightened sanctions against the junta on Tuesday with an assets freeze and an export ban on equipment that could be used for state repression.

Camara seized power last year, following the death of the country's former leader, Lansana Conte.

Voice of America

Tuesday, 29 December 2009

Former Prosecutor Gives 2009 a Grade of C-Minus for Rule of Law

Joe DeCapua

The former chief prosecutor for the Special Court in Sierra Leone says 2009 did not fare so well in terms of rule of law. David Crane says he'd give it a grade of C-minus.

Crane, a professor at Syracuse University's College of Law, says, "We started off...2009 with the incursion of Israel into Palestine and all of the alleged war crimes that were committed by both sides during that particular conflict. And then of course at the end of 2009, we see individuals rioting in the streets of Iran and being shot dead."

Some successes

"The ad hoc tribunals, the Special Court, the International Criminal Court," he says, are "continuing to do their important work and seeing justice is done for the victims for Rwanda, (the former) Yugoslavia, Sierra Leone and then of course the Cambodian court."

Crane says without these successes he would have given 2009 a failing grade.

"The actual tribunals themselves, modern international criminal law, is moving forward, slowly but steadily forward and prosecuting those who commit grave crimes," he says.

Wrapping of business

The Special Court for Sierra Leone, which heard war crimes cases stemming from the country's civil war, completed most of its business in 2009. One exception is the ongoing trial of former Liberian president Charles Taylor, who's on trial for allegedly fueling that conflict. That trial is taking place in a courtroom at The Hague.

The former prosecutor says agrees with a description once given the special court as "the little engine that could." It's a reference to a children's story of a small locomotive that, despite the odds, pulled a great load up a long hill. He says he's proud of its accomplishments.

"It had a proper mandate and it had a realistic place for it to be and that was in Freetown, Sierra Leone. And in a period of eight years, from beginning, middle and end, they largely completed their mandate of seeking justice for those individuals who were destroyed in West Africa and particularly in Sierra Leone," says Crane.

Seeking al-Bashir's arrest

This year the International Criminal Court issued arrest warrants for Sudanese president Omar al-Bashir. The charges stem from the conflict in Darfur in western Sudan, which has been labeled genocide by the United States and others.

"I think it was proper. I think it was important. It was a decision made very carefully by Luis Moreno-Ocampo, the chief prosecutor of the ICC," Crane says.

He likens the case to his signing the indictment against Taylor.

“You have to deal with these individuals as they commit the crimes. He felt it was the right time. Of course diplomats and politicians tend to think that it’s never the right time,” he says.

He believes al-Bashir will eventually be brought to a “fair and just trial.” He says, “It’s just a matter of time.”

Kenya

Moreno-Ocampo announced this year he wants to launch a formal investigation into Kenya’s post-election violence, which claimed well over one thousand lives.

Crane says, “I think it’s important that anytime where there are allegations of grave crimes, which is within the mandate of the International Criminal Court, that they do open up an...investigation to make sure that those who commit these crimes just don’t walk away.”

He says he would prefer for Kenya itself to prosecute any alleged crimes related to the violence but says that appears unlikely at this time.

Disappointments

“There are trends in modern international criminal law that concern me. And that is we tend to look the other way on certain countries and not the others. And that can give an impression that there is justice that is not being evenly applied,” he says.

Once that happens, he says, “It’s a real threat to modern international criminal law,” adding, “We shouldn’t just walk away from allegations of countries that should be investigated.”

Crane also says he’s concerned about the welfare of soldiers and civilians in conflict zones, about what he calls the “whittling away” of protections provided by the Geneva Conventions and other international agreements.

“We saw that start the 2009 period with the incursion by Israel into Palestine. And I’m concerned about how modern Western countries are blinking and looking the other way in some ways related to the laws of armed conflict,” he says.

2010

“I hope to see that all of the tribunals and special courts,” he says, “continue to do their job, continue to be supported by the international community...and finish their work.”

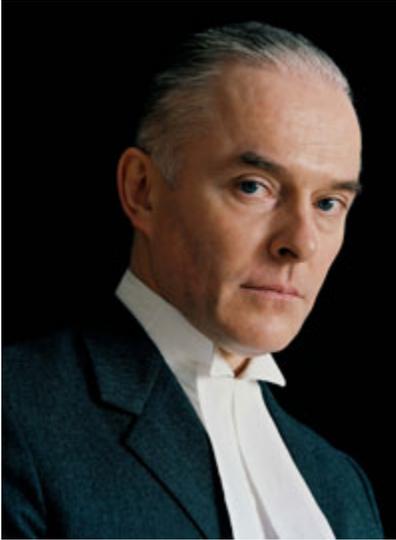
He believes the New Year will bring the conviction and sentencing of Charles Taylor.

The Phnom Penh Post

Tuesday, 22 December 2009

New KRT co-prosecutor checks in

Andrew Cayley, veteran war crimes prosecutor, discusses challenges he expects from new role



Courtesy of the ECCC

Newly appointed international co-prosecutor Andrew Cayley concluded his first visit to Cambodia on Monday.

OF the cases he has tried, Andrew Cayley, the newly appointed international co-prosecutor at the Khmer Rouge tribunal, can identify only one that bears a strong resemblance to those at the Khmer Rouge tribunal: the case against Radislav Krstic, a Bosnian Serb Army commander who was charged in connection with the 1995 Srebrenica massacre, in which more than 8,000 men and boys were killed.

“That case really is the only one that is on the same scale of what happened here – dealing with mass graves, dealing with mass killing on an organised scale,” the veteran war crimes lawyer said in an interview during his first trip to Cambodia, which was scheduled to conclude

Monday.

He added, though, that the parallels were limited. Reflecting on his first visit to the Tuol Sleng torture facility, which took place Saturday, he said: “For all I’ve done, with all the experience I have, I’ve never seen anything like this at all. Very serious crimes obviously were committed, and the photographic evidence is very distressing indeed. It really is. Because all of those people are, of course, dead.”

After arriving in Cambodia Thursday night, Cayley, whose resume includes stints leading the International Criminal Court’s investigation into crimes committed in Darfur and defending former Liberian president Charles Taylor, has spent the past few days getting oriented – introducing himself to judges, discussing case strategy with his staff and touring Tuol Sleng and the Choeung Ek killing fields.

Cayley commented at length on some of the challenges faced by his predecessor, Robert Petit, who was a vocal critic of what he described as government interference in the work of the tribunal, particularly with respect to requests for further indictments.

Though he has no hybrid tribunal experience, Cayley said he was prepared to navigate the sometimes-fraught relationship between the tribunal and the Cambodian government.

“I’ve worked for a long time in this field, and if you work in an international court you are confronted with the necessity for cooperation and collaboration with national authorities who are affected by what you do,” he said. “So I have a lot of experience dealing with national governments who may not always have the same view of things that I have. And this is done through diplomacy – by cajoling and persuading. Fighting people in these situations doesn’t get you anywhere. You have to talk because everybody has their interests. Justice is the ultimate interest, but sometimes you have to make compromises.”

Commenting on his expectations for his own relationship with Chea Leang, Cayley noted that their first few hours of meetings had gone very smoothly, and that they “haven’t had any problems”.

“We may have disagreements in the future – all good colleagues do – but I’m absolutely convinced that she and I can resolve these through intelligent discourse between us,” he said.

Cayley also touched on some of the criticism that dogged the prosecution during the tribunal’s first case, that of Tuol Sleng prison chief Kaing Guek Eav, alias Duch. A report released in November by the Asian International Justice Initiative, for example, faulted the prosecution for not having a senior trial attorney present in the courtroom every day, and pointed to a “noticeable lack of coordination between the different prosecutors assigned to different stages of the proceedings”.

Cayley said Sunday that he had “taken on board that criticism”.

“They’re absolutely right,” he said.

“You need to have consistency of representation because people that are actually in the courtroom need to understand the whole case. And unless you’re hearing all of the evidence, you don’t understand the whole case.”

Genocide charges

The Krstic case at the International Criminal Tribunal for the former Yugoslavia is one of four genocide cases in which Cayley has been involved. Despite doubts expressed by some scholars that Khmer Rouge-era crimes amounted to genocide, Cayley said he viewed the court’s recent decision to bring genocide charges against four regime leaders as appropriate in light of the abuses endured by minority groups, including the Khmer Krom.

“These people were targeted because of an ethnic quality,” he said of the Khmer Krom. “This is the basis of genocide.”

The genocide charges against Nuon Chea, Ieng Sary, Khieu Samphan and Ieng Thirith stem from crimes committed against Vietnamese and Cham Muslims. Prosecutors have pushed for genocide charges with respect to Khmer Krom in a supplementary submission for the second case, Cayley said.

Cayley also said he supported the court’s acceptance of joint criminal enterprise (JCE), a controversial doctrine of liability under which suspects can be held responsible for crimes committed under a common criminal plan. Investigating judges ruled earlier this month that all three forms of JCE could apply to international, but not domestic, crimes.

Noting that JCE has been central to “almost all” of his international criminal cases, Cayley said he believed it “accurately reflects the facts in these kinds of cases”.

“Oftentimes, it’s challenging to prove the involvement of high-level officials in crimes on the ground,” he said. “Joint criminal enterprise is a vehicle that realistically represents a high level of responsibility for mass crimes committed on the ground.”

Cayley said he expects to be permanently settled in Cambodia early next year. Asked about his timeline for his new job, he said he was “expecting to stay until the completion of the mandate of the court”.

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International Justice T R I B U N E



www.internationaljustice.nl/tribune

Independent bi-weekly magazine on international criminal justice

REPORT

International Criminal Court

by Helene Michaud, Ituri

Iturians question ICC head

It might seem like just another village meeting, but the presence of armed police at the local parish hall suggests something serious is going on.

The residents of the village of Fataki have gathered to hear the president of the International Criminal Court (ICC), Judge Sang-Hyun Song, who is visiting the Democratic Republic of Congo (DRC) this week for the first time.

A native son

This is Thomas Lubanga territory. The ICC's highest official has come to explain why the ex-militia leader, born in a nearby village and considered a native son, is now standing trial for war crimes and crimes against humanity 6,000 kilometers away in The Hague.

The 250 residents, local leaders and representatives of local associations listen attentively as he outlines why the ICC was set up and how it works. He lists some of the crimes tried at the court under international law.

"It is illegal to target civilians with military force...to terrorise civilian populations, to rape women and girls... to forcefully recruit children under the age of 15 into an armed force and make them fight."

Lubanga is accused of enlisting and conscripting children under 15 years old and using them to participate actively in hostilities.

Arduous listening

The crackling of the microphones, the buzzing of the amplifier, and the necessary translations, first from English into

French and then into local languages, make listening arduous. Nevertheless, the villagers listen closely as the president, a former law professor, continues his calm presentation, carefully considering each word.

"I would like to stress that all of the accused persons are innocent until proven guilty. I am a judge. I have no opinion on the question of guilt or innocence at this time."

"La guerre"

It is difficult to imagine that this idyllic village, surrounded by lush rolling hills, was also involved in the bloody inter-ethnic conflict that swept the Ituri district in northeastern DRC.

Outside the red-brick village hall, which was once part of a Belgian mission, children carry bundles of freshly cut straw or play in the adjoining schoolyard.

"The ICC? Never heard of it," say their teachers.

One boy thinks it has something to do with "la guerre" – the war, which started in 1999.

Tight security

Although relative calm has returned to the region, small armed groups are still active, which explains the tight security surrounding the ICC president's two-day stay in Ituri district. Everyone who enters the parish hall is searched; inside, armed bodyguards keep constant watch.

Since the arrests of three former Iturian warlords, local support for the ICC has been far from unanimous. The international institution was nicknamed the "Iturian Criminal Court", as Iturians felt they were being unfairly targeted.

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Victims & int'l justice

This week, the International Justice Tribune will focus on international justice from the victims' perspective. As former UN Chief Prosecutor, Justice Richard Goldstone told Radio Netherlands Worldwide: "The customers of any justice system are the victims. They're the people who have suffered, who call for justice and who are entitled to justice."

An important reason for pursuing justice, Goldstone says, "is to give an official, credible platform to victims, to tell their stories and get a public acknowledgement of what happened. And frequently, in my experience, that can begin the healing process. It can aid peace because it removes cause for revenge".

The same can be said, to varying degrees, about the Thomas Lubanga trial, the trial of alleged Nazi camp guard John Demjanjuk, the ESMA trial in Argentina, and even the documentation of the Khmer Rouge era in Cambodian text books - all of which are discussed in this week's issue.

But, Goldstone warns, people sometimes expect too much from the justice system. "It's just one of the tools," he acknowledges. "There are others. But it's certainly better than the old way of simply forgetting the past and allowing hatred and revenge to bubble up. Forgetting about the past is a recipe for disaster."

► Netherlands not required to request Poch extradition

Almost three months after his arrest, Transavia pilot Julio Poch is still sitting in a Spanish prison, awaiting his next destination. A Dutch judge ruled last week that the Netherlands does not have to ask Spain to extradite him, meaning Poch will probably stand trial in Argentina.

The Buenos Aires-born pilot is charged with human rights abuses committed during Argentina's military dictatorship that ruled from 1976 to 1983.

Judge Sergio Torres is presiding over the ESMA mega-trial that started in Buenos Aires on December 11th. 19 former military officials are standing trial on charges of torture, forced disappearance, murder and theft. Torres has said he would like to include Poch in the trial.

During the dictatorship, the former navy school, Escuela Mecanica de la Armada, or ESMA, functioned as a clandestine detention centre where thousands of people were held, tortured, raped and killed. It allegedly ran 'death flights' where prisoners were drugged and thrown out of planes over the sea. Poch is accused of having carried out these flights as a young marine pilot.

Poch had asked to be tried by a Dutch court. He moved to the Netherlands in 1988 and has held Argentine-Dutch nationality since 1995. Poch's lawyer, Gerard Spong, argued that the Argentine justice system is slow and that in Argentina his client could spend years in pre-trial arrest.

Last week's verdict did say that Dutch authorities could ask for a guarantee of return from Argentina so that, if convicted, Poch could serve his sentence in the Netherlands. The judge referred to the fact that Dutch authorities told Argentina that Poch would be making his last flight to Spain, where he was arrested. The Netherlands had refused to extradite him directly because he is a Dutch citizen.

Local ICC staff and anyone else seen to be connected to the court received threats.

But the court's efforts to win the minds of the population are starting to pay off. Although local outreach staff continue to keep a low profile, they say threats have disappeared as more people begin to understand the work of the ICC.

Villagers' questions

The president's visit is part of that effort. It is now his turn to listen to the villagers' questions.

"What is being done about rumours that false testimonies and pictures have been sent to The Hague?"

Song: "I have full trust in the trial judges' watchful legal eyes to detect the truth or falsity of all these testimonies..."

The man asking the question represents a local civil society. Initially he declined the invitation to attend the meeting, fearing he might be arrested.

"We see massive destruction in Israel on television: why is this not also addressed by the ICC?"

Song: "The ICC has never, never targeted only Africans. The prosecutor is now making preliminary analysis on the situations for example in Afghanistan, Gaza, Columbia, and Georgia..."

"Why are the (Western) countries that shipped arms to our region not being prosecuted?" (Spontaneous applause in the audience)

Song: "I'm not in any position of making any comment on this because it is exclusively the job of the prosecutor to investigate or prosecute arms suppliers or not..."

The answers are clear and detailed, the tone is poised; the president must know that false rumours flare up easily in this part of the world.

After the meeting, the civil society representative says that he is really pleased with the very detailed explanations.

"People in the community had the wrong impression. If the trial takes place the way he says, I think the people will be satisfied."

There is disappointment among those who would like to see the countries who flooded the region with

arms prosecuted:

"Do we have arms factories here?", someone asked.

Judges ask for training

While in the country, Song also met with military judges who told him that military courts in the DRC lack skills in drafting judgments related to international crimes such as war crimes and crimes against humanity.

"At the ICC you have all the experts, with lots of experience, and our judges will stand to gain from interaction with those experts in The Hague," they said.

Currently in the DRC, military tribunals have the sole authority to try international crimes. Colonel Nsimba Binyamwa, Deputy President at the High Military Court in Kinshasa, said that although it is still unclear which jurisdiction - military, civil, or a combination of both - will preside over war crimes, the ICC should ensure that magistrates receive appropriate training.

"We would like to become familiar with the working methods used within the ICC. It is not enough to read a compilation of texts on international law", he said.

Song said that the ICC did not offer training programmes, but referred Binyamwa to international institutions that do. He also underscored the principle of complementarity between the international and national jurisdictions, with the ICC prosecuting the "big fish", and the national courts small-scale perpetrators.

Lubanga

Back at the village meeting, one woman says she believes Thomas Lubanga will be freed. "We used to live like brothers and sisters here, but outsiders came to ignite the conflict."

As she watches the video images of the Lubanga trial, she says: "He doesn't look like a prisoner, I think he's being very well treated. Otherwise we would have left the meeting in tears. I hope he comes back soon."

While the assembly continues to watch the video of the trial, the president of the ICC and his entourage are escorted to a helicopter in a nearby field - the engine is already running.

► **UN: Guinea junta should be tried for crimes against humanity**

Captain Moussa Dadis Camara, leader of Guinea's junta, should be charged with crimes against humanity relating to a massacre and mass rape during an opposition rally in September, the UN says in a leaked report.

On September 28th, demonstrators gathered at a sports stadium in the capital, Conakry, to protest Camara's possible candidacy in a presidential election planned for 2010. Troops opened fire on the crowd in what rights groups have called a pre-planned massacre.

According to the UN International Commission of Inquiry, Camara bears "direct criminal responsibility" for the slaughter. They have called on the International Criminal Court to take action against Camara and other junta members. Camara has blamed unruly elements in the army, in a bid to distance himself from the atrocities.

Camara himself was shot in the head by one of his own soldiers earlier this month, after which the country descended into even greater chaos. He was flown to Morocco for treatment where he remains.

The report said 156 people were killed. The ruling junta claims less than 60 people died.

Soldiers are also accused of mass murder, mass rape and sexual abuse during the protest.

The EU tightened sanctions against the junta on Tuesday and a spokesman for the US State Department said Washington had been talking to Morocco about Camara, but gave no further detail.

French Foreign Minister Bernard Kouchner said he hoped Camara would stay away from Guinea, saying his return could trigger a civil war.

Camara seized power in December 2008, following the death of the country's former leader, Lansana Conte.

REPORT

Cambodia

by Jared Ferrie, Ta Khmeo

Textbooks to document KR

In the shade of trees draping over the schoolyard, 3,000 students sit on sheets of newspaper, in crisp white shirts and black skirts or slacks. They wait patiently for the ceremony to end, then teachers walk between the neat rows handing out textbooks – the first in Cambodia's history to document the Khmer Rouge in detail.

Students flip eagerly through the pages. Some of them sit in solitary silence, while others turn to their classmates to comment. Shock registers visibly on some of their faces.

It's a moment that could not have happened without the Extraordinary Chambers of the Courts of Cambodia (ECCC). Despite allegations of corruption and political interference that taint the United Nations-backed tribunal, proponents and critics alike agree that it has sparked a national awakening.

"It has generated the new curriculum in schools. Moreover you also generate community discussion," said Panhavuth Long, of the Open Society Justice Institute, adding that such discussion may yield methods more effective than trials for Cambodians to reconcile with the past.

On the record

Cambodian television stations broadcast live footage of much of the first trial. The court itself received almost 30,000 visitors during 9-months of testimony, according to court officials.

Many visitors were victims of the regime, bussed in from remote areas of the country to see for themselves the trial of Kaing Guek Eav - better known by his revolutionary name "Duch" - who oversaw the torture and deaths of at least 14,000 people at the S-21 torture center.

At the ECCC, victims have had an opportunity to tell their stories in the same room as the man who admitted his role in atrocities committed at S-21. And lawyers have put some of the most

awful details about the Khmer Rouge on the historical record.

In a pattern that continues to this day, Cambodian and international governments have suppressed details about the history of the Khmer Rouge for self-serving political reasons.

For the students at Ta Khmao high school, skimming the pages of their new history book was their most revealing glance yet of the regime that tortured, starved and executed as many as 2 million of their elders. Many survivors were so traumatized that they seldom spoke directly to younger people about what had happened to them.

"Fiction"

Sayana Ser works with the Documentation Centre of Cambodia which produced the book. She said the scant knowledge of the Khmer Rouge she gained as a child came from hearing conversations between her mother and her friends. She thought many of the stories were exaggerated or even "fiction".

Her high school history classes gave no context to the horrible murmurs she overheard. As a student in the 1990s, there were no references to the regime in her textbooks. They had been deleted around the time Khmer Rouge guerillas signed the Paris Peace Accords, at the beginning of a decade when many leaders and soldiers defected to the government. History textbooks under the Vietnamese-backed government of the 1980s, summed up the Khmer Rouge in just five lines.

But three decades after the regime was toppled, a new generation of students will finally begin confronting their country's dark history in classrooms across the country.

It will be a reconciliation of sorts between generations. Most teachers were alive during the Khmer Rouge years. Now, young people who have little grasp on what happened during those years will be taught about it by those who lived through them.

► Kurdish victims demand compensation

Sixteen victims of Saddam Hussein's poison gas attacks on the Kurdish population in Northern Iraq and Iran in the 1980s are demanding compensation from Dutch businessman Frans van Anraat.

The Dutchman provided the Iraqi government with the base material for mustard gas between 1984 and 1988. The Iraqi regime used the poison gas against Iranians and also against Iraqi Kurds in Halabja in 1988, where some 5,000 people were killed.

A Dutch court sentenced van Anraat in June to 16 years in prison for complicity in war crimes. He supplied Iraq with large amounts of thiodiglycol, an industrial material which can be used to produce mustard gas. The judge ruled that van Anraat was aware of the final purpose of the materials he supplied.

At that time, the victims also asked for compensation but their demand was rejected. They are now seeking €25,000 per person for emotional damages. More claims could follow, says their lawyer Liesbeth Zegveld.

Van Anraat was arrested in 1989 in Italy at the request of the US government, but fled to Iraq after his release and remained there until 2003. After the US-led invasion of Iraq in March 2003, he returned to the Netherlands where he was arrested a year later.

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INTERVIEW

Rob Fransman

by Hermione Gee, Amsterdam

“Revenge is for them”

Isaac Fransman: born in Amsterdam July 23 1898, deceased 9 April 1943 in Sobibor; Rachel Fransman-Lochem: born in Amsterdam July 7 1900, April 9 1943 deceased in Sobibor.

“In all these years,” says Rob Fransman, “the names of my father and mother have never been mentioned in any courtroom. I’ve often said the Kaddish [but] I’ve never specifically said it for my parents. The way the judge read out the names this afternoon was a prayer. He said Kaddish for me. How ironic - a German judge in Munich.”

Fransman is one of 22 co-prosecutors at the trial of John Demjanjuk in Munich, Germany. They are all family members of people murdered at the Nazi death camp in Sobibor, Poland, during World War II. Both of Fransman’s parents died at Sobibor.

Demjanjuk, 89, is charged with accessory to the murder of 29,700 Dutch Jews at Sobibor where he allegedly worked as a camp guard in 1943.

What does it mean for you to see Demjanjuk on trial?

I try to examine my own feelings. My seat in the courtroom is less than 3 meters from the bed where he is lying. So if I stand up, I can do something to him. But I don’t have that urge at all. He’s not a symbol of evil for me. He’s John Demjanjuk, and he plays the role of victim now.

Why is this trial important?

Every war criminal should be prosecuted wherever, whenever is possible. That’s it. The punishment is a matter of unimportance for someone 89 years old. But that the trial is there and that criminals know that whatever happens they cannot hide, I think is very important.

Demjanjuk, in a strange, ironic way, does us a favour because he gives us a voice. And a face.

For me, personally, the Shoah is a thing of big numbers. It’s always 6 million. It’s never about a person. But it’s 6 million stories. And nobody has the patience or the stomach to hear 6

million stories. But especially where the Holocaust is denied all the time, is this trial so important. Our voice is heard, and that’s the main thing of this trial.

In killings of these magnitudes, there’s no such thing as small people or, “we did it on command of somebody else”. I strongly believe in your own responsibility, and if you let yourself be told by somebody else you have to kill somebody, it’s your own responsibility.

What do you hope to see come out of the trial?

I hope he stays alive until the end of the trial. Secondly, yes, I hope he gets convicted. I am very glad that we have the opportunity once again to put the Holocaust on the map. The punishment is completely irrelevant. He will spend the rest of his life in hospital. Either there will be bars on the windows or not – there’s no difference.

How did you feel when the Israeli court acquitted him in 1999?

I was glad. It showed the justice of the Israeli system. It was a triumph, after so many blunders. It would have been so easy to kill [him]. So easy. No, the court said, it’s not sure that he was in Treblinka. He *might not* have been there. There wasn’t absolute certainty that he was in Treblinka. So that was fantastic. Revenge is for them. Not for us. It’s below our dignity.

The Nazi trials after WWII are the foundations on which our modern international criminal justice system rests. What do you make of today’s international courts?

The ICC is for our conscience: “Look what we do!”. What they do [at the gacaca courts] in Rwanda is much better than a court in The Hague, of all places. Just get yourself in the shoes of an orphan in Rwanda, in Somalia, wherever. Somebody in a country, all the way in Europe, in the snow, is going to judge what happened in Africa?

It doesn’t mean a damn to the victims there. So, we put someone in jail. Rightfully, ok, of course we should do that. But it’s for us. Not for them.