

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



Sir Maurice Henry Dormon, Sierra Leone's first Governor-General after independence.

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:

Wednesday, 10 March 2010

Press clips are produced Monday through Friday.
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CharlesTaylorTrial.org (The Hague)

Tuesday, 9 March 2010

Liberia: Witness Never Heard Of Charles Taylor Giving Orders For His Rebels To Kill, Rape, Loot, Or Burn People's Houses, He Says

By Alpha Sesay



A witness defending Charles Taylor today said he never heard of the former Liberian president giving orders to his own rebel forces to kill, rape, loot or burn people's houses, as alleged by prosecutors.

A protected witness, testifying under the pseudonym DCT 125 and with face and voice distortion, said if any crimes were committed under Mr. Taylor's rule, they were isolated incidents which could have taken place without Mr. Taylor's knowledge. The witness maintained this position in a direct question and answer session with Mr. Taylor's defense counsel, Courtenay Griffiths, at the Special Court for Sierra Leone today.

"Were you ever aware of Charles Taylor giving an order to kill?" Mr. Griffiths asked the witness.

"Never," the witness responded.

"To burn people's houses?" Mr. Griffiths went on.

"Never," the witness responded again.

"To rape?" Mr. Griffiths went further.

"Never," again, the witness responded.

"To loot?" Mr. Griffiths asked again.

"Never," the witness said for the fourth time.

The witness added that "maybe if that had happened, it would be an isolated incident without Charles Taylor's knowledge."

The witness explained that he had been a pan-African revolutionary colleague of Mr. Taylor, adding that he personally did not have any specific interest in helping to start a conflict in Liberia. He said that he did not help Mr. Taylor in his invasion of Liberia in 1989, but that together with some other colleagues who were not named in court today, he moved to Liberia to help provide security for the former Liberian president whose NPFL rebel group was split into two when one of Mr. Taylor's former rebel colleagues, Prince Johnson, led his break-away faction from the NPFL at the initial stages of the Liberian conflict.

Asked by Mr. Griffiths why he and his colleagues had decided to join Mr. Taylor in Liberia, the witness explained that "we don't have any interest in Liberia. With notice that his life is threatened and there is a split within his movement, we decided that we should provide him with security to safeguard his life."

DCT 125 has been on the witness stand since last week and a huge part of his testimony has been heard in private or closed session. He has been rebutting prosecution evidence against Mr. Taylor, including allegations that the former president gave orders to his National Patriotic Front of Liberia (NPFL) rebels to commit crimes such as rape, murder of civilians, looting of civilian property and burning of houses and public buildings. Similar crimes were committed by Revolutionary United Front (RUF) rebels in Sierra Leone, a rebel group which Mr. Taylor is on trial for allegedly supporting during the West African country's 11-years civil conflict. Mr. Taylor has denied providing support to the RUF.

DCT 125's testimony continues tomorrow.

**UNMIL Public Information Office Media Summary
9 March 2010**

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

International Clips on Liberia

These CRPF cops juggle career, family with elan

Times of India Mar 9, 2010

CRPF NEW DELHI: Mamta Singh second in command of the Central Reserve Police Force's (CRPF) 122 Battalion went to Liberia in 2008 as part of the United Nations Peacekeeping Mission, leaving behind her seven-year-old son and her husband. She came back in 2009, having missed out on a year of her son's Kaushtubh life. But Singh says she does not have any regrets, because her son supports her career choice. Being an Air Force man's daughter, it was her fascination with the uniform which made her opt for a career with the CRPF. Said Singh, "It is difficult sometimes. In 2008 for instance, my husband who is also an IPS officer was stationed in Bihar and I was in Liberia. Our son had to stay with my parents in Chandigarh. You have to be strong mentally to survive that situation. I missed out on a year of my son's life but you have to accept it as part and parcel of the job." Before Liberia, Singh was posted in Srinagar. She is part of an 'all male battalion' but says that she gets a lot of support from the male officers and troops who do not discriminate against her for being a woman. At the moment, both her husband and she are posted in Delhi.

**International Clips on West Africa
Ivory Coast**

UN Secretary-General Special representative and ADB president discuss political developments in Cote d'Ivoire

ABIDJAN, Côte d'Ivoire, March 9, 2010/African Press Organization (APO)/ — The Special Representative of the UN Secretary-General for Côte d'Ivoire, Y.J. Choi, on Monday, at the Mission's headquarters, met with the President of the African Development Bank (ADB), Donald Kaberuka, who was on a 24-hour visit in Abidjan. After the meeting, which focused on the latest developments in the Ivorian peace process, Mr. Kaberuka explained that the meeting was just one of his usual working visits. "Each time I visit Côte d'Ivoire, I come and see the Special Representative to discuss the latest political developments with him," he said. In this regard, the President of ADB encouraged Mr. Choi and UNOCI, whom he believed were doing an excellent job. Côte d'Ivoire is set to host the ADB's annual assembly in May this year.

SOURCE

Mission of UN in Côte d'Ivoire

Local Media – Newspaper

President Sirleaf Awaits Inter-Faith Report On Lofa Violence, Expresses Regret Over Capitol Bye-pass Incident

(New Democrat and National Chronicle)

- President Ellen Johnson Sirleaf says she is awaiting a report from the Inter-Faith delegation that visited Lofa County to ascertain the cause of the recent violence.
- President Sirleaf said another delegation comprising the Ministers of Defense, Justice and Internal Affairs has already submitted its report on the incident.
- The President said she would read the various reports and decide what actions can be taken to avoid a recurrence of the Lofa violence.
- She indicated that the situation is now under control and maintained the incident was not a religious war but a result of misinformation spread by some excited youths.
- President Sirleaf has meanwhile, expressed regrets over the Capitol Bye-pass incident in which a man was allegedly shot dead by a Police Support Unit (PSU) officer who was in turn burnt to death by an angry crowd.

Absence of Strong Judiciary Will Lead to Chaos... Veteran Lawyer Asserts at Judicial Confab

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

- A former Attorney General of Liberia, Counsellor Clarence Simpson says confidence in the Judiciary is crucial to strengthen the rule of Law.
- Cllr. Simpson said any country without a strong and independent Judiciary will always have chaos.
- The former Attorney General spoke Monday at the Third National Judicial Conference of Liberia taking place at the Supreme Court in Monrovia.
- He spoke on the topic, "The need for a strong and independent judiciary in post-war Liberia."
- In the opening address, Chief Justice Johnnie Lewis called on African lawyers to unite and defend the rights of Africa.
- Justice Lewis urged African lawyers not to allow themselves to be dictated to any longer by strong nations.
- The conference continued today with other topics aimed at reforming Liberia's Judiciary.

"Women Still Face Numerous Challenges" Says US Diplomat

(Heritage, The Informer)

- US Ambassador to Liberia Linda Thomas Greenfield says women around the world still face numerous challenges in their quest for social and political justice.
- Ambassador Greenfield observed too many women still lack access to education and basic health care.
- According to her, women continued to suffer as a result of conflicts and civil strife and are subjected to unspeakable violence and violations of their human rights.
- The US Ambassador said though the country has enjoyed peace since 2003, gender-based violence continues to be a serious problem.
- Ambassador Greenfield speaking Monday at official programmes marking this year's International Women's Day, recounted government's efforts to address the destructive practices by putting in place important new laws.

'Denmark Offers US\$20M to Reduce Child Mortality

(The Informer)

- President Ellen Johnson Sirleaf has disclosed that the Government of Denmark has contributed US\$20 million to support the fourth goal of the Millennium Development Goal (MDG) in Liberia. Goal 4 of the MDG is concerned with reducing child mortality
- Addressing the observance of International Women's Day in Monrovia, President Ellen Johnson Sirleaf applauded Liberian women for their outstanding display of commitment to peace and progressiveness over the years.
- Similar accolade was also given Liberian women by the Opposition Liberty Party for what it described as the women's resilience in the face of numerous challenges.
- Earlier, in a keynote address, Maryland County Senator John Ballout highlighted the fact that women around the world continue to suffer all forms of degradation and injustices despite international conventions and protocols to give women respite from violence.

Education Ministry, OSIWA Sign MOU

(New Democrat and In Profile Daily)

- The Education Ministry and the Open Society Initiative for West Africa (OSIWA) have signed a Memorandum of Understanding (MOU) for Early Childhood Development.
- Education Minister, Dr. Joseph Korto signed for the Ministry while OSIWA Country Coordinator, Joe Pemagbi signed for his entity.
- Mr. Pemagbi said OSIWA would provide basic support including furniture to the Early Childhood Development Unit at the Education Ministry and look at capacity building, policy development work and curriculum development of the programme.
- For his part, Education Minister, Dr. Joseph Korto said Early Childhood Development will help lay a strong foundation for Liberian children.
- Dr. Korto believes it was important to develop the capacities of children at both the primary and secondary levels.

Former TRC Chairman Takes Issue with Government

(The News, Daily Observer and The Analyst)

- The former Chairman of the Truth and Reconciliation Commission of Liberia, Counselor Jerome Verdier says the tempo and mobility of recent spate of violence around the country demanded that the Administration and other stakeholders take giant strides to stabilize and resolve looming conflicts in communities.
- Counselor Verdier said the violent conduct in communities in the country points to the need for community-based dialogue on conflict and reconciliation issues saying unless these issues are addressed, there may be more violence and lawlessness in our society.
- In a press statement issued in Monrovia yesterday, the former TRC Boss said the final report of the commission addressed some of these issues which includes looming conflicts in communities and called on President Ellen Johnson Sirleaf to demonstrate more concrete commitment in implementing the TRC recommendations.

Men Steal More.. President Sirleaf Tells International Media

(New Democrat)

- [SIC] President Ellen Johnson Sirleaf has given her verdict on gender and endemic corruption in the system, telling the New York Times that men are emphatically more corrupt than women.
- The verdict comes as many top women in Government including Gender Minister Varbah Gayflor, Montserrado County Superintendent Beauty Barcon, former Central Bank Deputy Governor Ethel Davis have been listed for alleged corruption.

Star Radio (News monitored today at 09:00 am)

President Sirleaf Awaits Inter-Faith Report On Lofa Violence, Expresses Regret Over Capitol Bye-pass Incident

Judicial Confab Opens in Monrovia, Chief Justice Challenges Lawyers To Defend Africa

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

Maryland Senator Drafts Empowerment Bill

- The keynote speaker at this year's International Women's Day programme, Senator John Ballout says he's drafting a bill seeking a national student loan programme.
- Senator Ballout said the bill seeks to allow all students desirous of post high school education access to loans.
- The Maryland County Senior Senator said the loans which will be given students would be paid back to government after graduation and having found a job.
- Senator Ballout said the objective of the bill is to enable deprived girls and boys pursue their education and increase their earning capacity.

(Also reported on Truth FM, Sky FM, and ELBC)

“Women Still Face Numerous Challenges” Says US Diplomat

(Also reported on Truth FM, Sky FM, and ELBC)

Bong County Lawmaker Issues Pre-election Caveat

- A Bong County Representative has warned Liberians against electing a government in 2011 that would be isolated by the international community.
- Representative George Mulbah believes the survival of the Country beyond 2011 strongly depends on the goodwill of the international community.
- He said anyone seeking the Presidency must have the ability to rally the support of the international community to continue its ongoing reconstruction of Liberia.
- Representative Mulbah made the statement when he served as guest speaker during the graduation ceremony of students of the LOIC training program in Gbarnga.
- The Bong County lawmaker said the reconstruction of Liberia cannot be done by any government that will rely only on domestic revenue.

Education Ministry, OSIWA Sign MOU

Former Information Minister Wants Women To Persevere

- Former Information Minister, Dr. Laurence Bropleh has challenged Liberian women to take the lead in empowering themselves.
- Dr. Bropleh said the process of empowerment must be carried out with women themselves at the forefront to ensure a stronger advocacy role.
- The former Information Minister speaking Monday at programmes making the celebration of International Women’s Day in Bensonville, Montserrado County, challenged women to continue to persevere in the midst of diversity.
- He cautioned the women to fight for one another and be inspired as their role in rebuilding the country can not be overemphasized.
- The former Information Minister believes the women of Liberia owe a debt of gratitude to President Ellen Johnson Sirleaf who he said serves as the beacon of hope in the fight for empowerment.

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

Opposition Liberty Party Salutes Liberian Women

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

Finance Ministry Sets Dates For Budget Hearings

- The Ministry of Finance has set March 11th through the 16th as dates to conduct major hearings on the 2010/2011 national budgets.
- According to a release, the hearings will afford all ministries and agencies the opportunity to present and justify their budgets as requested by the national budget committee.

Iloubnan.info

Tuesday, 2 March 2010

<http://www.iloubnan.info/politics/actualite/id/43332>

Secretary General Appoints Herman von Hebel as Acting STL Registrar

BEIRUT - UN Secretary-General announced today the appointment of Herman von Hebel as Acting Registrar. The appointment is effective from 01 March 2010.

In accepting this appointment, Mr. von Hebel stated, "I am honored that the Secretary-General has entrusted me with the management of the STL Registry. I will follow in the steps of my predecessor, Mr. David Tolbert, in ensuring that all the Organs of the tribunal are provided with the support they require to fulfill the organization's important mandate."

As Acting Registrar, Mr. von Hebel will be in charge of the organ of the Tribunal which provides administrative, legal and other support essential for the successful completion of the institution's mandate. Mr. von Hebel has been Deputy Registrar at the Special Tribunal for Lebanon since 2009. He previously served as Registrar and Deputy Registrar of the Special Court of Sierra Leone. Before joining the Special Court, he served as Legal Advisor to the Dutch Ministry of Foreign Affairs (1991-2000) and as Senior Legal Officer in the Chambers of the International Tribunal for the former Yugoslavia (2001-2006).

Lubanga Trial Website (The Hague)

Wednesday, 10 March 2010

Congo-Kinshasa: Witness: ICC Agent Faked Death Threats Against My Family

Wairagala Wakabi

An International Criminal Court agent forged a letter in which officials of a Congolese militia group purportedly threatened to kill a witness for agreeing to testify against Thomas Lubanga, ICC judges heard today.

An unnamed witness, testifying in Mr. Lubanga's defense, said an agent acting on behalf of ICC prosecutors and referred to in court as 'Mr. X,' wrote the threatening letter after the witness became reluctant to honor an earlier promise to the intermediary that he would lie to prosecution investigators that he was a former child soldier.

Continuing his evidence from yesterday, the witness said his family rebuked him when they were informed that he was part of a plot to fabricate evidence implicating Mr. Lubanga. When he informed 'Mr. X', the intermediary drafted a letter to a person whom the witness believes was an investigator for the ICC prosecution.

The witness said he objected when 'Mr. X' tried to append the name of Mr. Dieudonne Mbuna, an investigator for Lubanga's defense in the Congolese province of Ituri, as the author of the letter. Subsequently, the letter was sent with only a thumbprint and no author's name.

The letter was read out in court today, and was tendered by the defense as an exhibit. It was purported to be from "authorities of the UPC" and it labeled the witness an enemy. "Know that wherever you move to, we will not rest until we find you. You should know that it is your corpse that will go before the court with Thomas Lubanga," said the letter.

It added: "We know that wherever you are going to move to, we are going to find you. Do you think that our strength is finished? Even your offspring, we are going to wipe it out. Do whatever you like but know that you can not escape death. And do not imagine that it is going to come from elsewhere. It will come from us the authorities of the UPC."

The witness told the trial of Mr. Lubanga that he had several times received money from this intermediary on the understanding that he would lie to OTP investigators that he was a former child soldier. 'Mr. X' also asked him to convince other people to lie to the investigators that they were also former child soldiers in the Union of Congolese Patriots (UPC), and that they knew the commanders of the militia group.

This witness is the eighth to appear for the defense of Mr. Lubanga, who is on trial over the UPC's use of child soldiers in inter-ethnic conflict in the Democratic Republic of Congo (DRC) during 2002 and 2003. Mr. Lubanga's lawyers have said their first 16 witnesses will provide evidence that OTP intermediaries concocted evidence and coached witnesses.

The defense also contends that all prosecution witnesses who were presented as child soldiers, as well as their parents in some cases, deliberately lied to the court.

Defense counsel Jean-Marie Biju-Duval today showed the witness three receipts and asked him whether he recognized the signatures on them. The witness said he recalled signing those receipts when 'Mr. X'

gave him money while they were in Kampala, Uganda in September 2005 for meetings with OTP investigators.

"Do you remember having received this sum of money – \$400?" asked Mr. Biju-Duval.

"I was not given this sum in one swoop. I was not given it on one day," replied the witness.

According to the receipt, the \$400 was a "reimbursement of services provided and expenses incurred".

The defense counsel then asked the witness about another document with his signature acknowledging receipt of \$700. "Do you remember having received this sum?" Mr. Biju-Duval asked.

"Truth be told, I have no recollection of the precise sum," responded the witness.

Two other documents titled 'loss of earnings' (for \$30) and 'transport' (\$10) were shown to the witness. He said he recognized his signature on the documents but he did not recall receiving the money.

The witness said he did not receive any money from the OTP investigators; it was 'Mr. X' who gave him all the money, he said.

Another receipt showed the witness had his bill at a store in Kampala paid for, but he declined to discuss those expenses in public session.

Previous defense witnesses have testified that intermediaries bribed, coerced or duped some people into claiming to the OTP investigators that they were former child soldiers and to tell stories intended to incriminate Mr. Lubanga.

Tomorrow the witness will be cross-examined by the prosecution

Daily Nation (Kenya)

Tuesday, 9 March 2010

New push for tribunal over Kenya violence

By NATION Reporter



Photo/FILE

A fresh push for the establishment of a Special Tribunal to locally try suspected perpetrators of the 2008 post-election violence is on. Some 1,333 were killed and more than 600,000 displaced after Kenya's 2007 presidential elections degenerated into an orgy of ethnic cleansing and revenge massacres.

A fresh push for the establishment of a Special Tribunal to locally try suspected perpetrators of the 2007/2008 post-election violence is on.

Members of the Civil Society are set to initiate the process of re-introduction of the private member's Bill to set up a Special Tribunal in the next few weeks.

The Bill, sponsored by Central Imenti MP Gitobu Imanyara, failed to win the support of a majority of MPs last December and was shelved. The Constitution of Kenya (Amendment) Bill 2009 was withdrawn in order to give room for consultations amongst various stakeholders.

Already, Mr Imanyara has indicated that he will be reintroducing the Bill, for a third time. The MP claimed over the weekend that some people in the current government were lobbying officials from 'other tyrannical regimes in Africa' to weaken the Rome Statute that establishes the International Criminal Court at a forum scheduled to take place in Kampala next month.

Although the office of the chief prosecutor of the ICC Luis Moreno-Ocampo has given 20 names of suspects to the Pre-Trial Chambers' judges, the International Centre for Policy and Conflict argues that a local tribunal will be necessary to try suspects who will escape the ICC process.

"If no national judicial mechanism being established a grave impunity gap would thrive; with majority of the suspects who might not be prosecuted by the ICC (likely scenario) walking scot-free despite having been identified and connected to the post-election violence," the group states.

"We must not still forget there are many others who are not in the Ocampo's list," it notes. The group says establishment of a Special Tribunal for Kenya was unavoidable under the circumstances. It must, however, be backed by a very effective and independent Witness Protection mechanism. "It might be difficult for the office of the Prosecutor to gather sufficient evidence against all these suspects that would meet the criteria and threshold of admissibility to the Court to enable the prosecution of all them," said the executive director Mr Ndung'u Wainaina on Monday.

He argued that if the Prosecutor is allowed to conduct official investigations into Kenyan situation, and after collecting evidence finds out that it is insufficient to prosecute all the suspects and the crimes within the jurisdiction of the Court, he will be forced to issue sealed indictments of the suspects and the evidence collected and hand them over to the government of Kenya to try them locally.

“This makes it inevitable to enact internationally acceptable Special Tribunal for Kenya to try not just those suspects that Prosecutor won’t prosecute at the ICC but also the majority of other dangerous suspects who committed serious crimes and are still looming large,” he stated.

The proposed Witness Bill would enact a state controlled protection mechanism, which would jeopardy independence.

The list of 20 names was presented to the Pre-Trial Chambers judges on March 3.

Meanwhile, the civil society group has written to the International Criminal Court expressing support to the Court but more importantly giving details of their concerns with non-existence of any genuine national judicial proceedings and its implications.

Their letter further urges the Court to listen to the voices of the victims who are crying for justice, stating that the government, which is the duty bearer and with responsibility of administering justice to the victims, is very busy either blocking enactment of the Special Tribunal or protecting suspects from prosecutions.

They note that key suspects happen to hold powerful positions in Government.

According to the civil society, a majority of victims who submitted their views to the Pre-Trial Chambers expressed strong support for the International Criminal Court, and at the same time argued on the necessity of a local tribunal.

IRIN

Wednesday, 10 March 2010

War crimes court juggles public demands



Photo: [Brendan Brady/IRIN](#)

Participants of the war crimes tribunal line up outside a courthouse in the Cambodian capital, Phnom Penh

PHNOM PENH, Competing pressures in Cambodia's Khmer Rouge war crimes tribunal could work against the victims it is supposed to represent, human rights groups warn.

Since its establishment in 2006, the UN-backed tribunal has sought to provide a greater voice to victims of the regime, while at the same time expediting a legal process bogged down by delays. As a result, the court decided last month to filter the representation of all victims through two lawyers because of the high number of applicants seeking to participate in the second case.

Known as the Extraordinary Chambers in the Courts of Cambodia (ECCC), the tribunal includes a "civil party" system designed to give lay people an official role to provide testimony,

question suspects and request reparations.

More than 4,000 people applied and about 250 had been accepted by the end of last year. By contrast, just 90 civil parties participated in the tribunal's first case.

Court delays

In the tribunal's first case last year against the regime's most notorious prison chief, Kaing Guek Eav, civil parties were represented by four legal teams, giving victims a strong presence in the courtroom.

But participation was often muddled by repetitive and irrelevant questions from some lawyers that steered testimony away from the core issues of the trial and slowed proceedings.

This, coupled with the ballooning number of civil parties, prompted the tribunal to seek victim participation reforms for its remaining case.

Still awaiting trial in the second case are four ageing leaders, widely considered the architects of the Khmer Rouge's vision to transform the country into an agrarian utopia. Some 1.7 million Cambodians died in the process, according to estimates.

In a 9 February ruling, the court said victims would be represented in the second case by two lead lawyers, one Cambodian and one international, whose strategy and views are supposed to reflect a consensus among the individual civil party lawyers.

"The number of Civil Party applicants, combined with the complexity, size and other unique features of the ECCC proceedings, make it necessary to adopt a new system of victim representation during the trial and appeal stage," the court said in a statement.

But while most observers recognize that the original system of individual legal representation would be

"I think it will be a very big problem when many of the victims who want to be civil parties are told the crimes against them don't apply."

impractical in the much larger second case, they warn that their diminished role could make victims feel disenfranchised.

“A lot of people’s stories will be lost,” says Thun Saray, president of the local rights group Adhoc. “The victims have an important role to play and this gives them a smaller role.”

Applications limited

The charges against the suspects in detention are restricted to particular crime sites, which means prospective cases pertaining to other sites will not be able to participate in the trial.



Photo: [Archives of the Cambodian Genocide Program](#)

Under the Khmer Rouge, some 1.7 million Cambodians died from overwork and starvation

“It’s common in all courts dealing with crimes of this magnitude to limit the investigation to a representative sample of all the crimes committed because of time and resource constraints,” court spokesman Lars Olsen told IRIN.

While the court’s investigation into the second case began in 2007, the public was not told which sites were involved until last November – leaving them little time before the deadline in January.

“I think it will be a very big problem when many of the victims who want to be civil parties are told the crimes against them don’t apply [to the trial],” said Sok Sam Oeun, director of the Cambodian Defender’s Project, a legal aid group. “Many didn’t know about the guidelines until very late.”

The court, in turn, says victims should not regard their status in the court as an official judgment of their suffering.

“It’s a technical decision as to how they relate to the particular cases,” Helen Jarvis, head of the court’s Victims’ Support Section, told IRIN.

“Even if they’re not designated a civil party, their information is valuable to the court’s investigation of the systematic nature of the crimes. There is bound to be some disappointment but they should not feel there are first-class victims and second-class victims.”

Irish Times

Monday, 8 March 2010

<http://www.irishtimes.com/newspaper/ireland/2010/0308/1224265792929.html>

Reconciliation and impunity in post-conflict societies

Beneficiaries to be treated as clients where solicitor is the executor Garda did not have cause to enter lands without warrant In short KADER ASMAL argues that truth commissions can often be a necessity in reconstructing societies following a prolonged conflict.

PROF KADER Asmal, formerly of Trinity College and now of the University of the Western Cape, delivered the inaugural address to the Centre for Post-conflict Justice at Trinity College last month. The following is an excerpt from his speech.

Many challenges face civil society operating in the area of transitional justice on the continent [of Africa] today. The South African case is now treated as an iconic case globally. This model has played a central role in the evolution of the transitional justice industry. Truth commissions are gaining popularity, despite the contrary tendency of postmodernists to question the very value of “truth”.

We need to reflect critically on the South African truth process, through several lenses, including the hidden liabilities of political negotiations, the challenges and dilemmas that negotiated transitions present for civil society organisations (CSOs), and the implications of who owns the transitional justice mechanisms that are put in place.

Constitution-making, for example, is often not considered to be a mechanism of transitional justice. In a way, it is believed that this is the terrain of politics and policy. Is this a misconceived approach?

In relation to transition processes, let me posit that it is important to consider who is in and who is out. During the South African negotiations, 23 political parties were at the table; there is never talk of who was not present. If civil society is not proactively organised to shape what is happening at the negotiating table, it will not be heard. We must be mindful of the fragility of a state in formation, which does not necessarily have the capacity to implement recommendations which flow from transitional justice processes . . .

It is necessary to decipher what is possible and what is not in the peace-building process. Transitional justice is not only about political negotiations and constitution-making, but also about how to redefine the social fabric and rebuild relationships, both between citizens and between citizens and their state. The exclusion of CSOs and specifically victims’ groups from negotiations is problematic.

Civil society acts as an intermediary between vulnerable groups and the government; thus, it must not forget this role and become purely focused on lobbying and advocacy. The big challenge for CSOs and non-governmental organisations (NGOs) is to remain close to the social groups and movements on behalf of whom they speak.

Is there any substance to the observation that an overemphasis on reconciliation may in fact result in impunity?

Over the last 20 years, dramatic changes have occurred in the global and legal environment. Transitional justice has become an embedded framework, both in law and in human rights. A gap still exists between this normative legal framework and the implementation and practice of local actors confronting the messiness of very frail peace processes on the ground. Too many CSOs are focused on naming and

shaming at the expense of grappling with the dilemmas of such contexts. This is also linked to the sometimes tense relationships between international and local organisations.

The challenge that we face today is in identifying the taxonomy of crimes and assigning priorities. The ICC talks of crimes against humanity, war crimes and genocide only, not about economic crimes or environmental injustices, or the continuation of non-political violence.

The transitional justice agenda should engage with the fault lines of conflict and its root causes. We need to be asking how a truth commission can be better equipped to deal with historical and structural injustices – or if not to deal with these questions, which may rather be a government function, at least to consider them and point a way forward. We also need to enquire . . . which traditions in the global human rights discourse can shape transitional justice tools in the task of expanding jurisdictional boundaries.

It is very easy for activists and institutions to focus on violations that are the symptoms of conflict or repression. It is key also to focus on the root causes. This is not always easy, and lines must be drawn, but do remember to understand the entire story – not just the most obvious, easiest parts of it.

There have been more than two dozen national truth commissions or fact-finding inquiries into past conflict established around the world, such as in Argentina, Chile, Guatemala, South Africa, Peru, Sierra Leone, Ghana, East Timor and, more recently, Indonesia and Liberia. So, what do they do?

Truth and reconciliation commissions typically focus on the larger patterns and trends, and not just specific instances of human rights violations. They are often victim-centred in that they provide a platform for victims to address the nation with their personal stories. Commissions organise events to promote reconciliation and tolerance between former enemies at the individual, community and national levels. A truth commission makes findings, and in some case it publicly names factions and individuals responsible. In so doing it advances the cause of accountability.

A truth commission report may include recommendations aimed at addressing the underlying causes of conflict, which may include institutional reform measures. Many truth commissions have recommended . . . a detailed reparations programme to redress the wrongs suffered by victims. Some commissions even recommend criminal prosecutions of specific role players in the conflict . . .

With the necessary caveats, it appears that in certain circumstances, they are a necessity. The “industry” tag would rather apply to some of the institutions which have been set up to investigate and/or promote truth commissions, without any real roots in the countries they are concerned with; or to self-interested NGOs who make hurried proposals, regardless of the context.

This, I know, does not apply to your centre here, which I am honoured to have addressed tonight.

Radio Netherlands Worldwide

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ICC reveals design for new headquarters

By International Justice Desk



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The International Criminal Court (ICC) is likely to move to its new headquarters in The Hague in 2015. The permanent war crimes court revealed the design for its permanent premises after signing the

contract for the development of the new building with Danish architects schmidt hammer lassen.

Located close the North Sea, the new Court will be situated between the natural rolling dunes landscape and the edge of The Hague. The main design concept centres on the sculptural arrangement of buildings in the landscape and a landmark that will convey the eminence and authority of the ICC while at the same time relating to human scale. The overall building form can be seen as an undulating composition of volumes on the horizon, reminiscent of the dune landscape.

The new premises consist of a courtroom tower and five office buildings, with a public area on the ground floor with gardens and a mirror pool. The architect has put much effort in the sustainability and urban integration of the new premises. "It was evident that connecting the dune landscape with the edge of the city had a striking potential. By designing a compact building with a small footprint, we propose to return the landscape to the city," said Bjarne Hammer, founding partner and creative director of schmidt hammer lassen architects.

He continued, "To the victims, to their families and to the world, the ICC building must communicate respect, trust, hope and most importantly, a faith in justice. This building cannot be anonymous; it must have the courage to express the values and the credibility of the ICC".

Last year three winning architects were chosen by an international jury from a total of 171 applications. The design of schmidt hammer lassen met all the ICC criteria, such as design, sustainability, functionality and costs.

According to the jury report, the sculptural composition of square buildings will make a very impressive and interesting architectural gesture and a great contribution to the city with an attractive integration into the landscape. "The selected design shows a safe place that captures the ICC's core values of justice, independence, universality, diversity and transparency. A building incorporating these values and at the same time melting into the natural environment transmits the feeling of harmony and peace." said ICC Registrar, Silvana Arbia during a press conference.

The ICC will continue occupying the interim premises until the new headquarters is finished.