

**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.
Any omission, comment or suggestion, please contact
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Charlestaylortrial.org (The Hague)

Monday, 1 November 2010

Liberia: Charles Taylor's Final Witness, a Liberian Member of the RUF, Begins His Testimony

Alpha Sesay

Today, a Liberian member of Sierra Leone's Revolutionary United Front (RUF) rebel group commenced his testimony as the final defense witness for former Liberian president Charles Taylor.

The witness, Sam Flomo Kolleh, in his testimony spoke about several issues including his background, how he was abducted by rebel forces in Liberia during that country's civil conflict, his participation in the war in Sierra Leone, and the actions of the RUF in securing ammunition from the United Liberation Movement of Liberia for Democracy (ULIMO) rebel group, a former rival armed faction to Mr. Taylor's National Patriotic Front of Liberia (NPFL) rebel group. The witness also refuted the evidence of prosecution witnesses about Mr. Taylor's alleged association with RUF rebels in Sierra Leone.

Speaking about his background, Mr. Kolleh said that he was a university student in Liberia when Mr. Taylor's NPFL rebel group invaded the country in 1989. On a day when he went out to look for food, he said he was "intercepted by NPFL rebels" and after spending about two months with the group's commander called Arthur, he was later taken to Camp Naama where he underwent military training with the RUF. The training, he said was conducted at a portion of Camp Naama called "Crab Hole." Many other witnesses have testified about being trained by the RUF at "Crab Hole."

After the training, the witness said he invaded Sierra Leone in 1991 together with other RUF fighters.

Speaking of their movement into Sierra Leone, Mr. Kolleh said, "It was one morning that they brought a truck and I was on board the second truck."

"The second truck went straight to Bomi Hills and then to Bo Waterside. On the 3rd of April [1991], we entered into Sierra Leone," he said.

When asked what prompted the RUF fighters to leave Camp Naama for Sierra Leone at the time they did, the witness explained that the RUF's leader, Foday Sankoh, was subjected to arrest by NPFL Special Forces because he was training men to fight in Sierra Leone without their knowledge.

"We were on the base [Camp Naama] at one time one Anthony, one Special Forces Anthony Menkunagbe, arrested Foday Sankoh...that they heard that he's training people to go to Sierra Leone ...and Sankoh tried to deny, he was put under house arrest for nearly three to four, five hours and I don't know, we were all asked to fall out, to leave the area," Mr. Kolleh said.

He added, "After that, we were hurriedly ordered to leave by Sankoh."

Mr. Kolleh explained that when the RUF invaded Sierra Leone in 1991, the group comprised of both Sierra Leoneans and Liberians, but after some disagreement between the rebels from both Sierra Leone and Liberia, those from Liberia were forcefully driven out of the country and returned to Liberia.

When asked why he had been allowed to stay with the RUF in Sierra Leone even though he was a Liberian, the witness said, "I am a Liberian but I was trained directly by Foday Sankoh."

"These people were not trained by Sankoh, and so we did not allow them to stay in our midst," he added.

He said that other Liberians who were allowed to stay with the RUF in Sierra Leone included Rocky CO, Monica Pearson, Fatu Gbemo, Napan Weawe, Base Marine, Isaac Mongo, Pa Moriba, and Jungle.

Prosecutors have made several allegations including that Mr. Taylor helped to train RUF rebels at Camp Naama in Liberia before they invaded Sierra Leone in 1991 and that while in Sierra Leone, the rebels received substantial support such as supply of arms and ammunition from Mr. Taylor.

Mr. Taylor has denied these allegations.

On the issue of arms and ammunition, Mr. Kolleh testified that sometime in 1996, the RUF, through one of its main commanders, Sam Bockarie, travelled to Liberia and bought ammunition from ULIMO rebels who had been fighting against Mr. Taylor in Liberia.

The ammunition that was brought from ULIMO was transported by some RUF bodyguards from Liberia to Sierra Leone. This, he said, happened in his presence. The witness also identified a copy of a group photograph taken with Mr. Bockarie and the bodyguards who went to collect the ammunition from ULIMO.

After this initial purchase, the witness said that "some ULIMO fighters were bringing ammunition individually...this was just individuals bringing ammunition and given compensation for it."

He said that "some even crossed from ULIMO and joined the RUF." Those ULIMO fighters who joined the RUF included Abu Keita, who later became a commander in the RUF and testified against Mr. Taylor in The Hague in 2008, telling the court that it was Mr. Taylor who sent him to join the RUF.

The witness also refuted allegations by the prosecution that it was the RUF that invaded Sierra Leone's capital Freetown in January 1999.

Mr. Kolleh said that the invasion of Freetown was solely undertaken by members of the Sierra Leone Army (SLA), who had been forced out of power by West African peacekeepers after they had overthrown the democratic government of Sierra Leone in 1997.

The witness explained that the RUF had its independent plan to invade Freetown, and RUF commander Mr. Bockarie had given instructions to other RUF commanders Rambo, Issa Sesay, and Morris Kallon to attack Freetown. The RUF forces, he said, could not enter Freetown.

"No RUF forces entered Freetown in January 1999," the witness said.

Prosecutors claim that the arms and ammunition used by the RUF to attack Freetown were provided by Mr. Taylor as part of a grand plan to take control of the country's mining towns and the capital. Mr. Taylor has denied these allegations.

When put to him that RUF commander Mr. Bockarie was on BBC telling the world that his men had entered Freetown in January 1999, Mr. Kolleh said that "he [Bockarie] was just a flamboyant person...his forces were not in Freetown."

Mr. Kolleh's evidence continues on Wednesday.

BBC Online

Tuesday, 2 November 2010

Kenya truth commission chief Kiplagat steps aside



Bethuel Kiplagat said the tribunal would put doubts about his credibility to rest.

Kenya's truth and reconciliation commission chairman has announced he is stepping aside from his post.

Bethuel Kiplagat said he wanted to allow a tribunal, set up last week to investigate his past conduct, to carry out its work.

He has denied allegations of being complicit in rights abuses committed under ex-President Daniel arap Moi.

The commission is intended to probe human rights abuses since independence in 1963.

The Truth, Justice and Reconciliation Commission was set up after the power-sharing deal that ended post-poll violence in 2008 in an effort address some of the root causes of the crisis.

Some 1,300 people died in the clashes after the December 2007 elections.

'Significant progress'

They were blamed on unresolved historical injustices such as distribution of land and state resources, and alleged human rights violations by previous governments and political leaders.

The International Criminal Court in The Hague is to separately prosecute the main perpetrators behind the post-poll violence.

Earlier this year, Mr Kiplagat resisted demands for his resignation by civil rights groups and prominent Africans including South African Archbishop Desmond Tutu, who helped mediate an end to the crisis.

Three days ago Kenya's chief justice appointed a tribunal to investigate Mr Kiplagat's conduct following a petition that was sent by his fellow commissioners.

"I see the tribunal as an opportunity to finally put any doubts about my credibility to rest once and for all," Mr Kiplagat said in a statement.

He added that the commission had made "significant progress" and was on track for hearings to start in August 2011.

The New Vision (Uganda)

Tuesday, 2 November 2010

Arua elders accuse world powers of frustrating ICC

By Vision Reporter

ELDERS and opinion leaders in Arua have accused some members of the UN Security Council of frustrating the operations of the International Criminal Court by refusing to join it.

Specifically pointing out the United States of America, Russia and China, the leaders accused these countries of applying double standards and precipitating the cycle of violence in weaker nations.

“These countries are shunning the ICC because they are behind most of the violence in the world. They make and distribute the guns used for committing genocide and crimes against humanity,” Joram Ajeani, Uganda’s former envoy to the DRC, said.

“The ICC is the court for victims of heinous crimes and vulnerable people. Anybody who commits crime against humanity must stand trial,” the 64-year-old added. He was speaking as a plenary discussant during a two-day national peace building film festival held at Arua Christ The King conference hall.

Dozens of people attended the festival, which ran on Saturday and Sunday. It was the fourth film festival of “Beyond Juba, A Transitional Peace Process.”

Under the Refugee Law Project of Makerere University’s Faculty of Law, Human Rights and Peace Centre, the festival’s aim was to generate debate on violence using documentaries, and to gather public opinion.

Jackie Budesta Batanda, the senior communications officer of the project, said the main issues raised are used to develop policy papers for advocacy.

She said they want to explore people’s experiences, find avenues for conflict resolution and build national consensus on peace-building.

Flanked by Annelieke Van De Wiel, the project’s transitional justice lawyer, the duo called on Parliament to pass the draft National Reconciliation Bill so that a forum can be created to discuss and address the causes of violence.

The participants expressed differing opinion on the issue of ICC versus traditional justice systems for conflict resolution, but agreed that the most influential world powers had paralysed the ICC.

“ICC now is a toothless barking dog, even if you give it meat, it cannot chew it,” commented Joseph Noah Drasi who used Thomas Lubanga of DRC as an example to drive his point home.

He said peace building is a collective responsibility but victims of violence need to forget the pain of forgiving the perpetrators of violence in order to have a sustainable peace.

While proponents of the traditional justice system said it is the best system for conflict resolution, critics said that it could be a recipe for more violence by encouraging impunity.

Solomon Ayiko, the director of Peace for All International, an NGO involved in peace building and conflict resolution activities said the ICC provides an opportunity to develop globally acceptable norms and establish global authority to stamp out impunity.

Daily Planet

Monday, 1 November 2010

Continuing the story: How the dominant story of the Rwanda genocide is unravelling

By Steve Clemens, Mennonista

Who is the real pariah: The Professor or the President of Rwanda?

Peter Erlinder, the William Mitchell Law School Professor and noted human rights attorney addressed a small but attentive group at the law school Thursday afternoon. While attempting to update people about his recent arrest and imprisonment in Rwanda late this spring, he also used the opportunity to describe his role in how the story history will record is changing dramatically in the past year.

He began with a startling announcement: two days before the top prosecutor of Rwanda said he will file charges against Paul Rusesabagina, the real-life hero of Hotel Rwanda. (In the movie Don Cheadle played the role). Erlinder said that the Kagame regime is now lashing out in all directions as a sign of desperation. It also arrested Victoire Ingabire, the Hutu opposition candidate who tried to run against Kagame for President, this month on similar charges of supporting a "terrorist group". Certainly their relationships with Professor Erlinder didn't help them, especially since he is the one who has "documented" that the well-known story of the Rwandan genocide is at best a half-truth if not an outright fabrication to hide the real perpetrators.

Of the four year civil war in Rwanda from 1990-1994 most of us, if we know anything at all, know only what the victors claim happened: the Hutus carefully planned to slaughter the Tutsis and only the intervention of Kagame's Rwandan Patriotic Front (RPF) rebels ended it. Erlinder reminded us of Robert McNamara's stark admission at the beginning of the documentary The Fog of War where he confesses in one of his last interviews before his death that if the US hadn't won the war against Japan in 1945, "we would have been prosecuted for war crimes" [for the fire-bombing of Tokyo where 250,000 civilians were killed].

Up until now, there has been very little questioning of the predominate story of the Rwandan genocide. In the past 15 years, the International Criminal Tribunal for Rwanda (ICTR) has prosecuted only those who lost the war. "Either this was the only war in history where the crimes occurred on only one side or this Tribunal is like Nuremberg where there was only 'victor's justice'", Erlinder stated. It was either a strange war or a strange tribunal, he quipped.

Fortunately, Erlinder continued, Carla Del Ponte, the Chief Prosecutor of the ICTR, wrote her memoirs that were published in early 2009. In it, she describes her work for both the Yugoslavia and Rwanda Tribunals and claims that she had enough evidence to prosecute Paul Kagame, the leader of the RPF and now the President of Rwanda, for his central role in the assassination of the Presidents of both Burundi and Rwanda on April 6, 1994, the event everyone considers to be the triggering factor in the ensuing genocide/mass slaughter. (Erlinder is very careful, as a lawyer, to remind his audience that it is not technically genocide if there is no planning or conspiracy. No one doubts there were mass killings throughout the countryside but Erlinder points out it was predominately in the areas where all semblance of law and order had broken down due to the civil war initiated by the RPF. More recent evidence shows that much of the killing occurred in the areas controlled by the RPF.)

Del Ponte also claimed that she had evidence of RPF troops killing "tens of thousands" of civilians during this period but she was ordered not to prosecute those cases by US War Crimes Ambassador Pierre Prosper. When she told him, "I work for the UN, not the US", Prosper replied according to the memoir, "That's what you think". She was replaced within 6 weeks at the insistence of the US by the UN Security

Council. "If you want to keep a UN career, you learn from what happened to Carla Del Ponte," Erlinder continued.

Del Ponte's firing caused very little media attention even though Kagame called for her resignation because of the timing: all the world was focusing on the search for WMDs in Iraq in 2003. But despite all the attention paid to Iraq, US Secretary of State Colin Powell went out of his way in a press conference to agree that she should be removed. All the outcomes have been manipulated in these cases when only one side is prosecuted. (Does this remind anybody of the aftermath of the Republican National Convention in 2008 when only the demonstrators and not the police were prosecuted?)

Erlinder described how he first got involved in the Rwanda case: while in Kenya in 2003, he was approached and asked to serve as defense counsel for General Bagosora, one of four Hutu military leaders charged with the most serious crimes of conspiring to commit genocide. Seven years later, the three Judges hearing the case against these "leaders of the genocide" rendered their judgment: a unanimous verdict of not guilty of conspiracy to commit genocide. [They were convicted of significantly lesser charges for actions of soldiers under their command for which they might not have even known about.]

With this verdict on February 8, 2009, for the first time in the public record was a significant chink in that wall erected of the dominant story of the genocide. If these 4 military leaders had not planned and conspired to commit the genocide, maybe there were other parts of the Kagame-is-a-hero story that were not true either. The second shoe to drop was the leaking of the draft of the United Nation's Report from the High Commissioner for Human Rights (otherwise known as the Mapping Report), a 600-page report that had been held in secret for almost a year while Kagame was given a copy allowing him to comment on it before it was officially released. This act of civil disobedience by UN staffers in leaking it is reflective of the disgust and frustration that is growing for allowing Kagame to continue to act with impunity.

Part of that growing awareness of something seriously wrong with the glowing praise of Kagame's "economic miracle" and his hero-status was his administration's thuggish arrests of his political opponents - anyone who dared to challenge him. It was one thing to arrest Victoire Ingabire; after all, she is Rwandan. But when Kagame's government overreached to arrest Peter Erlinder, a westerner with a strong network of legal and activist colleagues, much more attention came to bear on what was going on in Kigali.

The leak of the draft of the Mapping Report forced the hand of the UN officials and the final report was issued this month. Although the focus of the report was on what happened in Zaire/Democratic Republic of the Congo (DRC) from 1993-2003, it showed a clear pattern that completely negated the narrative that Kagame has spun: the killings of civilians in the Congo (and the genocide in Rwanda) were the work of the Hutu. The UN Report states that the RPF, Kagame's military force, is responsible for many of the 6 million killed to date in the Congo. The primary victims? : Hutu civilians from Rwanda, Burundi, and the Congo.

As Erlinder was preparing his defense in front of the ICTR, he noticed that virtually all the "evidence" against his defendants was "apocryphal". There didn't seem to be any documentation, just statements or stories by others claiming, "I saw this" or "I heard that". When questioning UN peacekeeping force leader, General Dallaire, a Canadian, the ICTR prosecutor asked about his telegram to NY on January 11, 1994, four months before the mass killings. Dallaire said "folks in New York didn't respond to my warnings." On cross-examination by Erlinder, he was asked if he had "any documents" and he mentioned statements by informers in his "personal files".

So Erlinder asked for any documents the UN had relevant to the case. Told he was allowed to "inspect" UN files at the UN headquarters, he was escorted to a room that had a wall of documents arranged like a library. He was told he couldn't take in his computer, camera, or even a notepad and pen or pencil. But he

was instructed that if he put a "Post-It" note on any pages he needed a copy of, it would be given to him and the UN legal department staff would review it to see if it could be released to him. The professor told us he went downstairs "and bought a whole gross of Post-It Note packets" and literally spent a week putting a sticky note on every page. He said the UN staff are good bureaucrats and just followed orders. He received copies of thousands of documents by the end of 2004.

He also stumbled on "the archives", a warehouse in NJ that also had relevant documents that he could use. Included in them were declassified documents from the Pentagon, US State Department, and the CIA. After arranging all the documents into chronological order, he converted them into PDF format and placed them on a website he created so they would be available to other researchers and the public. At the site, www.rwandadocumentsproject.net, Erlinder has assembled UN documents, US documents, evidence used in the Tribunal trial of his defendants, the Defense brief, articles about Rwanda, documents about Erlinder's arrest, and a copy of the UN Mapping Report. The documents allowed him to assemble close to a minute-by-minute account of what happened during the 100-days of the genocide. It created a completely different narrative of what happened in Rwanda in 1994. Erlinder claims what he has put together is what historians will ultimately report once the dominant narrative is exposed as fraudulent. The documents are now in the public record -exposure will come.

Erlinder then proceeded to give us a brief outline of the events as they unfolded. Explaining that Rwanda was about the size of the State of Maryland and that historically the richer, minority Tutsi raised cattle and the majority, poorer Hutus grew crops. The Tutsis had the spears, they were the warriors in that society.

Between 1980-1990, Paul Kagame was the Ugandan rebel leader Museveni's Military Intelligence Chief and then part of the Ugandan Army when Museveni became head of state with US assistance. Kagame himself received training at Ft. Leavenworth in Kansas. In 1990 he took about 25% of the Ugandan Army, renamed them The Rwandan Patriotic Front (RPF) and led a guerilla-style terrorism campaign to destabilize Rwanda.

His forces grew tenfold from 2,500 to 25,000 fully armed troops in those three years, obviously with outside help at a time when the Soviet empire was collapsing and the US was "concerned" about the socialist leanings of the Hutu President in Rwanda. In February 1993 the RFP attacked and advanced close to Kigali, the capital city. One-sixth of the population (1.2 million people) was displaced during this attack. A power-sharing agreement was reached in July that included the RPF because of their military superiority even though the Tutsi were only about 15% of the population. Pressure in the UN led to the removal of French and Belgian UN Peacekeepers who had helped keep the RFP out of Kigali and less-trained UN forces replaced them. An election for President was scheduled for the following August. Meanwhile neighboring Burundi elected a Hutu president by a landslide.

That Burundi president was assassinated by his own army consisting primarily of Tutsis in league with the RPF. The Burundi Army proceeded to kill between 100,000-250,000 predominately Hutus and another 300,000-500,000 refugees fled north to Rwanda. In November of 1993, US Ambassador Bob Flaten (now a resident of Northfield, MN) warned Kagame and the Rwandan president that if either side renewed the civil war there would be massive bloodshed. On April 6, 1994, RPF forces shot down the airplane carrying the Rwandan President and the new Burundi President and within two hours the RPF made a blitzkrieg assault to control much of the country. By July 19 they declared victory.

By September and October some reports of RPF crimes began to surface. Robert Gersony spent six weeks investigating the massive killings and his oral report to the UN claimed "systematic and sustained killing and persecution of the Hutu civilian population by the [RPF]" between April and August. His report was treated as "confidential" and suppressed. To this day (but hopefully not too much longer) the dominant narrative claims virtually all the victims were Tutsi and "moderate Hutu" although none of the statues or memorials today in Rwanda depict Hutu victims. And the "crime of genocide denial" was put into law by the victorious Kagame regime to prevent any other account from being raised.

From Erlinder's account, it appears to me that most of the Tutsi-on-Hutu killing was done by the RPF military forces in the areas they controlled while the Hutu-on-Tutsi killing happened in the ensuing chaos of a complete breakdown of the society rather than as a military-led strategy. The killings on both sides must be condemned and be a part of the history. There are crimes on both sides in any war. But, in all likelihood, only one of those sides received US military aid and it was not the Hutu government which was overthrown.

For the US government to continue to allow Kagame's false narrative to be dominant dishonors all the victims of the war. US foreign policy has aligned us with some really reprehensible leaders for political and economic reasons. Our support for Mobutu in Zaire was shameful and embarrassing. A few years from now the world will have a similar perspective about Paul Kagame. Hopefully our foreign policy will prioritize human rights over the resources we covet in the eastern Congo which Kagame has profited from. Time will tell. Meanwhile, the Professor, while a pariah to some in power in Kigali, is a prophetic voice calling us to do the right thing.

For a video of Peter Erlinder's talk soon after being released from prison:
<http://ourworldindepth.org/archives/311>

To view actual documents from the UN files on Rwanda:
<http://www.rwandadocumentsproject.net/gsd/cgi-bin/library>

Naharnet

Tuesday, 2 November 2010

STL, Foreign Press Association in The Hague Host 2nd Int'l Media Forum on Reporting on Int'l Justice



The second in the series of media forums gathering Lebanese and international journalists reporting on international justice will start Wednesday, November 3 in The Hague.

This event, hosted by the Special Tribunal for Lebanon (STL) and the Foreign Press Association in the Netherlands (BPV), will provide participants with an "opportunity to explore various aspects of international justice and the challenges facing media reporting on it," STL's press

office said in a communiqué.

The three-day program will consist of presentations by leading experts on the procedures of the Special Tribunal for Lebanon and other international courts, visits to International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court (ICC) and panel discussions with renowned correspondents and their Lebanese counterparts.

The participants will include the President of the Special Tribunal for Lebanon, Judge Antonio Cassese, Registrar of ICTY, John Hocking, director of the SENSE News Agency, Mirko Klarin, and other authorities on international courts and the role of media covering their work.

"This media forum follows a successful event of similar format held on October 20-22, which gathered senior editors of a number of Lebanese media and their international colleagues in The Hague," according to STL's press release.

"The exchange of ideas and experiences that ensued illustrated the need for a continued engagement and cooperation between international courts and media informing their constituents. It is in this spirit that the STL Outreach and Legacy Section and BPV will continue supporting this and other similar initiatives in the future," STL added.

RTT News

Tuesday, 2 November 2010

Serbia Intensifies Search For War Crimes Fugitive Ratko Mladic

Police in Serbia on Tuesday carried out simultaneous raids on two locations in capital Belgrade and one on a tourism center in central Serbia as part of their recently intensified efforts to track down war crimes fugitive General Ratko Mladic, local media reported.

Reports quoting unnamed police officials said Tuesday's raids focused on a private residence and a restaurant in Belgrade, as well a tourism center near the central Serbian village of Arandjelova.

Gen. Mladic is wanted for genocide, war crimes and crimes against humanity committed during the Bosnian conflict of the 1990s, and has been on the run for over 15 years. He was indicted on genocide charges by the International Criminal Tribunal for former Yugoslavia (ICTY) in The Hague, Netherlands, in 1995.

Recently, the Serbian government increased the reward for information leading to his capture to 10 million euros to reiterate its commitment toward removing "the last remaining obstacle on its path towards the EU."

Renewed search operations for Mladic come ahead of a visit to Serbia by Serge Brammertz, the chief prosecutor at the ICTY for assessing whether Serbia was doing enough to capture war-crimes fugitives.

Serbia's EU accession hopes had been dashed by its failure to arrest and extradite Gen. Mladic and former Croatian Serb rebel leader Goran Hadzic, the two remaining fugitives wanted by the ICTY.

Former Bosnian Serb leader Radovan Karadzic, who was Gen. Mladic's boss during the 1992-95 war in Bosnia-Herzegovina, was arrested in Belgrade in July 2008 and is currently facing trial at The Hague.

Karadzic faces 11 counts of war crimes, including genocide, crimes against humanity and severe breaches of the Geneva Conventions during the 1992-95 war in Bosnia-Herzegovina, including the 1995 genocide of some 8,000 Muslim boys and men in the eastern town of Srebrenica. He faces a maximum sentence of life imprisonment if convicted.

ICTY was established in 1993 at The Hague to investigate serious crimes committed during the wars in former Yugoslavia, and to prosecute alleged perpetrators. Until now, the tribunal has indicted some 160 people for crimes alleged to have been committed in the former Yugoslav territory between 1991 and 2001.

By RTT Staff Writer

Agence France Presse

Tuesday, 2 November 2010

French courts mull two Rwanda extradition cases

VERSAILLES, France — A French court on Tuesday granted extra time to the widow of assassinated Rwandan president Juvenal Habyarimana to fight calls for extradition linked to the Rwanda genocide, a lawyer said.

The court in Versailles near Paris overruled a local prefect's decision to refuse a residency permit to Agathe Habyarimana, who has lived in France for 15 years after the 1994 genocide sparked by her husband's killing.

"The court cancelled the decree (refusing her a residency permit) and asked the prefect to re-examine the case," Agathe Habyarimana's lawyer Philippe Meilhac told AFP, saying the decree was politically motivated.

Agathe Habyarimana was arrested in France in March after a Kigali prosecutor last year issued a warrant for her to face charges of war crimes and crimes against humanity. She has denied the accusations.

The fatal shooting down of Juvenal Habyarimana's plane in Kigali in 1994 sparked the massacre of 800,000 people, mostly minority Tutsis.

Separately, a court official said that a Paris appeals court would rule on Wednesday on a warrant to extradite exiled Rwandan rebel leader Callixte Mbarushimana.

The International Criminal Court (ICC) in The Hague has called for him to stand trial there for alleged war crimes in the Democratic Republic of Congo.

French authorities arrested Mbarushimana, 47, last month on a warrant issued by the ICC in September.

The ICC said Mbarushimana faces charges of murders, rapes, torture and destruction of property in eastern Congo in 2009. He denies the charges.

Radio Netherlands Worldwide

Monday, 1 November 2010

Cambodia tribunal future uncertain

By International Justice Tribune



Phnom Penh, Cambodia

United Nations chief Ban Ki-moon said last week it would be up to Cambodia's UN-backed Extraordinary Chambers in the Courts of Cambodia (ECCC) to decide whether or not to

start a third trial.

Ban's statement came a day after Prime Minister Hun Sen told him in Phnom Penh that a second Khmer Rouge war crimes trial, due to start early next year, would be the last and "case three is not allowed" because it could plunge the country back into civil war.

Hun Sen was once a mid-level Khmer Rouge member before turning against the movement. "The UN will discuss this matter with international community members, particularly donors," Ban said.

Also speaking in Cambodia this week, US foreign minister Hillary Clinton hailed the court's work. She said the tribunal "is bringing some of the people who caused so much suffering to justice. The work of the tribunal is painful but it is necessary to ensure a lasting peace."

In its first case, the court in July sentenced former prison chief Kaing Guek Eav, also known as Duch, a 30-year jail term for overseeing the deaths of more than 12,000 men, women and children in the late 1970s.

In September, the court indicted four regime leaders for genocide, war crimes and crimes against humanity. They are charged in connection with the deaths of up to two million people from starvation, overwork and execution between 1975 and 1979.

NYR Blog

Friday, 29 October 2010

<http://hnn.us/roundup/comments/132997.html>

Stéphanie Giry: Cambodia's Perfect War Criminal

The July conviction of Kaing Guek Eav, better known as Duch—the gaunt-faced, fever-eyed 68-year-old head of the Khmer Rouge's leading torture center—by a special UN–Cambodian criminal court has been seen as a breakthrough in international justice. Years in the making, the trial was the first international criminal case brought against an official of the Pol Pot regime since a Vietnamese show trial in 1979. And despite mixed legal procedures, the conflicting approaches of Cambodian and international lawyers, hearings in three languages, budget shortages, corruption scandals, and political pressure, it was widely considered fair. Yet it is unclear how much the Duch case will have advanced the long-delayed efforts for justice against the Khmer Rouge, not least because Duch himself seems to have come out of the experience less repentant than he was when it began.

For his part in overseeing the torture and execution of at least 12,273 prisoners, Duch was convicted of war crimes and crimes against humanity, and sentenced to a 35-year prison term, with 19 years left to serve. But after spending much of the 77 days of court hearings expressing remorse, he is now appealing the sentence and asking to be released, claiming that he was neither one of the regime's leaders nor among those “most responsible” for the Khmer Rouge's atrocities, the only people the special court in Phnom Penh is entitled to try. This request reflects a dramatic last-minute shift in the defense's strategy, from cooperating with the court to disputing its authority to judge Duch. That Duch could undermine the trial and its outcome in this way highlights its central flaw: all along, he was allowed to dominate the telling, and so influence the judging, of his own crimes....

ICRC

Tuesday, 2 November 2010

Wartime violence against women: States must do more to end it

Millions of women and girls bear the brunt of today's wars. They are particularly exposed to sexual violence and other injury. On the occasion of the tenth anniversary of the UN Security Council resolution on women, peace and security, Christine Beerli, Vice-President of the ICRC, calls for better protection of women in wartime.



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Ten years ago, the hopes and aspirations surrounding the birth of a new millennium found voice in various global initiatives aimed ultimately at righting some of the world's most glaring wrongs. The UN Security Council's resolution 1325 on women, peace and security was one of them. It put the international spotlight on the disproportionate and distinct impact of armed conflict on women, and called for women's full engagement in conflict resolution and peace building. It also signalled political recognition that women and gender are key to international peace and security.

The tenth anniversary of the resolution this October is an opportune time not for unreserved celebration, but more for sober reflection on what more must – and can – be done to translate good intentions into reality, words into meaningful action.

Be it in the Democratic Republic of Congo or Colombia, Afghanistan, or Iraq - to name but a few – millions of women and girls bear the brunt of today's wars. This is often because they are deliberately targeted as a tactic of warfare. They are particularly exposed to sexual violence and other injury. War often results in them being displaced and separated from family members, and hampers their access to food, safe drinking water and healthcare. It may also leave them as the sole breadwinner and with the responsibility of supporting their families on their own.

International humanitarian law provides a solid basis for the protection of women in wartime – primarily through the Geneva Conventions and their additional protocols. Sexual violence, to take just one example, is unequivocally a war crime in both international and non-international armed conflicts.

Yet the continuing atrocities committed against women in eastern DR Congo are but one grim reminder that the existing rules are violated flagrantly, and often with total impunity. Ensuring respect for the rules is a perennial challenge. Primary responsibility for this lies squarely on States, which have universally ratified the Geneva Conventions. Not only must they ensure that the law is implemented, they must also ensure that it is properly enforced.

True, some progress has been made in terms of States' domestic legislation recognising the criminal responsibility of those who violate international humanitarian law, and actually holding them accountable for their crimes. Various international tribunals and the International Criminal Court have further strengthened accountability for war crimes.

But there is still a long way to go. Armed forces and armed groups alike must understand that sexual violence is a war crime and that violators face punishment. Here the International Committee of the Red Cross (ICRC) plays a role in training and dissemination of international humanitarian law. But States and their judicial apparatus must play their role too. What better deterrent to potential war criminals than

seeing that the law is actually enforced?

Prevention is undoubtedly better than cure. The consequences of sexual violence as a weapon of war go further than the terrible hurt and trauma suffered by its direct victims: they can profoundly destabilise societies even longer after the conflict ends. Stigmatisation and rejection of the victims, breakdown of societal and cultural norms, and economic instability may ultimately ensue.

Addressing these consequences requires a multidimensional response that – crucially – directly engages the victims of sexual violence themselves as well as other concerned women. Women must be fully involved in the search for solutions to their problems if those solutions are to have any chance of success. Aid organisations and donors, including States, must strive to ensure this in their programmes in all phases of an armed conflict – from prevention to protection and post-conflict recovery. Consigning women to the category of passive victim is disempowering and counterproductive, excluding them yet further from humanitarian and peacekeeping efforts.

As a woman, it is my wish that this tenth anniversary of the UN resolution on women, peace and security be remembered for heralding even one measurable achievement: that States not only take concrete steps to criminalise sexual violence in armed conflict in their national legislation, but that violators face justice accordingly. Then women everywhere would have real cause for celebration.