

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



Last Thursday's Outreach in Kabala

**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:**

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Press clips are produced Monday through Friday.  
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Awoko

Wednesday, 28 March 2012

## As Sierra Leone and Guinea meet again... Yenga to be discussed

By Betty Milton

A two-day joint Sierra Leone/Guinea Commission on Cooperation currently underway in Freetown at the Bintumani Hotel, Aberdeen is expected to discuss the disputed territory of Yenga in the Kailahun District, Eastern Sierra Leone as a security issue affecting both countries.

Speaking at the opening ceremony, Sierra Leone's Minister Foreign Affairs and International Cooperation, Joseph Bandabla Dauda highlighted some of the assistance that Guinea has rendered to Sierra Leone and the strong bilateral ties existing between the two sister countries. The Minister noted, "We must not allow border issues like that of Yenga which has dragged on for so long and that of Tambakha

to cast a slur on the excellent bilateral relations that has so happily existed between us."

Minister Dauda hoped that the two-day meeting "will revitalize the Joint Commission Cooperation and define a concrete roadmap for a lasting and amicable settlement of these border issues, and to pave the way for the attainment of internationally agreed development goals."

The Sierra Leone Foreign Affairs Minister stated that the two countries are rich in both natural minerals and marine resources, noting that if only these raw materials are transformed into finished products at home, the process will create jobs for the people and this will prevent them from going to the West seeking for greener pastures.

Another issue that will be

discussed at this meeting is that of 'free movement of persons, goods and services' as stipulated by the ECOWAS-MRU Protocols. In this regard, Minister Dauda maintained that in keeping with these Protocols, efforts are underway to enhance effective linkages between the two countries.

In furtherance of the joint commitment to the realization of the ECOWAS-MRU Protocols, Minister Dauda disclosed that the Forecaria Bridge in Guinea was commissioned last year and that it is expected that the Freetown-Conakry highway will soon be officially opened as well as the joint Border Post at Gbalamuya "as a practical manifestation of the commitment of the two Governments," the Minister stated. He affirmed that during the discussions, "no stone will be

left unturned" in their efforts to put modalities in place to effectively monitor activities along the borders of both countries that may have the potential to undermine their national securities and stifle their economic gains.

J.B. Dauda recalled President Koroma's visit to Guinea in October last year where he noted both Presidents reaffirmed their determinations and commitment to further consolidate peace, security, stability and the improvement of the socio-economic wellbeing of the peoples of the two countries.

In his statement, the Guinean Minister of International Cooperation, Koutoub Moustapha Sano described the day as "a great day" for the two countries as the day will energize the cooperation and bilateral relationship between the two

countries.

He said the level of assistance provided to Sierra Leone by the government and people of Guinea are manifestations of "the quality of the relationship that exists between the two countries which will be translated by the present governments to ensure that peace, stability and economic growth are achieved in the interests of both countries. According to him, this initiative is centered mostly on infrastructural development and the promotion of trade.

He called on both governments to put emphasis on priority skills like education, health, security, defence, infrastructure, trade and economic inter dependence.

# 11 Prisoners On Death Row

By Mohamed Koroma

It has been confirmed yesterday there are eleven persons on death row including one female and two persons on condemned sentence at the Pademba road maximum prison.

This was made public following a visit members of the Amnesty International Sierra Leone made to the prison to get a first hand information on the number of prisoners on death row including condemned prisoners by the country's judiciary. The AISL delegation listened to various testimonies from the said condemned prisoners on how they were taken to court on murder charges and the sentenced to death. None of them are serving treason sentences however. The

prisoners appealed to the AISL boss to come to their aid, given that some of them have been in prison since 1999, 2001, 2005 and 2007. They claimed that there is no human rights lawyer to defend them.

Responding AISL Director Mr. Brima Sheriff described the prisoners as very lucky because Sierra Leone as a state has not implemented the death penalty for the past ten years and commended President Ernest Bai Koroma for his human consideration. The Director pointed out that Sierra Leone is moving forward to expunge the death penalty from the law books, adding that last year the President freed some prisoners who were on death penalty. He further commended the Sierra

Leone Prisons department for their support in reaching out to the condemned prisoners at the Pademba road prison.

Meanwhile Mr. Sheriff Section Director AISL and Mr. Solomon Sogbandy head of Campaigns AISL first held discussions with senior officers of the Sierra Leone Prisons at the New England office before going inside the prison. Mr. Sheriff said it was aimed at meeting Prisons Officers to confirm the number of persons on death row and those serving life imprisonment, build partnership with the authorities of the Sierra Leone Prisons for future work and share with them what the organization does in the area of promoting human rights in the

country.

Responding, Mr. Lamboi Director of Administration Sierra Leone Prisons, lauded the team for the visit. He said remarkable progress have taken place over the years for prisoners especially their entitlement. He said prisoners are entitled to three meals a day in addition to observing their human rights. Lamboi noted however that as custodians they are just there to receive instructions from the judiciary and other law enforcement bodies to take full protection of the prisoners.

He said Sierra Leone Prisons operate in an accountable and transparent manner for the good of the country, adding that they have nothing to hide in terms of what operates at the Prisons.

New York Times  
 Tuesday, 27 March 2012

## The Tortuous Path to Justice in Cambodia

By MARK MCDONALD

HONG KONG — To watch the court proceedings, to hear the lawyers' objections, to sit through the delays and the quibbles and the endless parsing of words, it's enough to make a good number of Cambodians want to simply unshackle the prisoners and set them free. Game over.

But these prisoners — they're just three arrogant old men now — had once been the most senior leaders of the Khmer Rouge, the ruthless Communist regime that killed 1.7 million Cambodians. The court's *raison d'être* now seems to spin less and less around the horrors the men perpetrated and how much prison time they should serve; more to the point is *how* they are being judged by the United Nations-backed war crimes tribunal in Phnom Penh.



*Mark Peters/Extraordinary Chambers in the Courts of Cambodia, via Associated Press*  
 Nuon Chea, left, Ieng Sary, center, and Khieu Samphan.

There has been an explosion of frustration over the tribunal in recent days, ever since another international investigating judge tendered his resignation. Laurent Kaspar-Ansermet of Switzerland said the court is now “dysfunctional,” riven with petty intrigues and a carrying a political taint that keeps it from investigating well-documented crimes of well-known Khmer Rouge alumni who are living openly and freely in Cambodia.

Mr. Kaspar-Ansemet complained, for example, that a Cambodian fellow judge, You Bunleng, had questioned his authority and had blocked his access to cars and drivers. He said he would not let him use the court's official seal to stamp legal documents. His resignation statement is here, although he was still at work on Tuesday.

Despite tens of millions of dollars in international funding — Australia kicked in an additional \$1.7 million on Monday — the tribunal has convicted only one person so far, the former prison warden known as Duch. His prison sentence was recently extended to a life term, even as he testifies in alarming detail against his three former superiors — Nuon Chea, Ieng Sary and Khieu Samphan. Video of his courtroom testimony, with good English translations, can be watched here.

Nate Thayer, a journalist and author with deep knowledge of Cambodia and the Khmer Rouge, also has a deep disdain for the tribunal, which he told me Tuesday was “an insidious, dangerous mockery of the rule of law that sets an unacceptable new model for legitimizing a 21st-century version of a Stalinist show trial.”

Mr. Thayer traveled with the guerrilla resistance after the fall of the Khmer Rouge, living rough, fording streams, camping in jungles. In 1997 he scored a major scoop: an interview at a remote Khmer Rouge camp with the fugitive Pol Pot.

His interview for the Far Eastern Economic Review was the first with the former “Brother No. 1” in nearly 20 years. (The piece can be found on Mr. Thayer’s Web site.) At the time, Pol Pot had already been denounced by his followers. He was in failing health, and died the following April.

Pol Pot said to Mr. Thayer: “Even now, and you can look at me: Am I a savage person? My conscience is clear.”

Mr. Thayer said “the judicial process is entirely under the control of former Khmer Rouge.” Referring to the Cambodian judge, he said, “The judge is bought and paid for in the most mockingly transparent manner. It is a scandal only that the U.N. allows itself to be a party to the farce.”

“The only thing the U.N. and donor countries can do to put some faith back into those who had relied on the system of international law is to pull out now,” Mr. Thayer said. “If the Cambodians want to hold a political show trial, let them do it without the support of the so-called properly organized world.”

Joshua Kurlantzick, in a commentary on the Web site of the Council on Foreign Relations, said he thinks “the KR tribunal is going from bad to worse.”

“For years,” he said, “I thought the KR tribunal was still worth it, despite its long delays, despite the fact that Pol Pot died in the jungle without any real trial, despite the possibility that many of the top KR leaders were so old that they would never do any real jail time, and despite the significant expense of the process (paid by foreign donors).”

“But now, with the tribunal becoming ever more of a farce, I’m starting to change my mind,” Mr. Kurlantzick concluded.

Youk Chhang has another view. He sees great value in the tribunal. Even now.

“The tribunal is all about better justice,” he told me over the phone on Tuesday from Phnom Penh. “For the first time in Cambodian history there’s a culture of debate here. It has reduced violence. It creates democracy. It makes the farmer the equal of the prime minister.”

It’s likely that nobody knows more about the atrocities of the Khmer Rouge than Youk Chhang. He is the director of the Documentation Center of Cambodia, a heroic private agency that since 1995 has been chronicling the crimes of the Communist regime that ruled Cambodia from 1975-79.

He was a teenager when the red-scarved maniacs came to power. He was pressed into farm labor, then escaped, made his way to a Thai refugee camp and resettled in Dallas before coming back to Cambodia. A 2006 profile by my colleague Seth Mydans is [here](#).

Youk Chhang has transcribed countless personal histories dating to the Khmer Rouge era, which is known in Cambodia as “Pol Pot time.” The fireproofed filing cabinets in his offices contain tens of thousands of interviews and documents that tell the story of that dark era — and which directly implicate more than a dozen former Khmer Rouge leaders.

He and his staff also have found and mapped some 20,000 mass graves, plus 167 former Khmer Rouge prisons, some of them larger than Tuol Sleng, or S-21, the regime’s main torture house that was run by Duch.

Youk Chhang has been a friend of mine over the years, and with all the horrors he has heard and chronicled, it’s a wonder he can sleep at night.

As he watches the court proceedings each day, he told me, his thoughts often wander back a generation, to the account he heard from a young peasant woman who had fallen in love with a Khmer Rouge fighter. She became pregnant — a serious violation of the party's lunatic Stalinist code.

To save herself and her lover from being executed, she asked the local Khmer Rouge political chief for an abortion. She begged for the abortion, telling him she feared that the child was from the C.I.A.

“The case of that woman, it went against everything you know, that a parent loves their child,” said Youk Chhang. “Imagine, a woman willing to kill her own child. It breaks your heart.”

# The Times of India

Monday, 26 March 2012

## **First war criminal executed in 1474**

### **Since when are there rules governing the conduct of wars?**

Wars are as old as humanity and so are the rules. The Chinese, the Greeks and ancient Indian civilization have all mentioned crimes that violate laws of war. It's generally considered that the first war criminal convicted for his atrocities was Peter von Hagenbach, a Germanic Knight beheaded in 1474 after being tried and convicted by the first international criminal tribunal. In 1863, the American president Abraham Lincoln signed on the Lieber Code dealing with the conduct of the army during a war. In 1865, captain Henry Wirz of the Confederate army was executed for the breach of the code and violation of the laws and customs of war.

### **When did the Geneva Convention come into being?**

The Geneva Convention is an umbrella term used for four treaties. The final treaty was ratified in 1949 in the aftermath of the World War II. The first convention was held in 1864 and its signatories agreed to give humane treatment to the wounded and sick in armed forces irrespective of the sides they represented. In the 1906 convention, shipwrecked members of armed forces were also included. The third convention held in 1929 was about the treatment of the prisoners of war and the 1949 convention laid the foundation of the ethics for protection of civilians during war. The formation of the UN after the World War II led to the adoption of all these conventions in 1949 and hence the Geneva Convention typically refers to the fourth treaty.

### **Who is the guardian of these conventions and what are the cores?**

The International Committee of the Red Cross is considered the custodian of the Geneva Convention. The Red Cross however cannot act as police or judge as these duties are vested in governments. Starting with the dignity, moral and physical integrity of surrendered soldiers, the convention states that the wounded and sick should be collected and taken care of by the party which has them in its power. Medical personnel should be protected and the emblem of the Red Cross should be respected. Captured combatants have the right to correspond with their families and receive relief. Nobody should be sentenced without a judgement from a regularly constituted court. Parties of conflict can use weapons of their choice, but unnecessary losses and suffering are prohibited. Soldiers and the civilians should not be subject to physical, mental or corporal punishment. Civilian property should also be spared from destruction.

### **Which are the best known war crime trials?**

The first major war crime trials took place after the World War I when Turkish soldiers were tried for their atrocities on British combatants and the genocide in Armenia and Greece. The Turkish court ordered court-martials but these orders were criticized by the Allied forces which demanded trial in a different country. In the second stage of the trial, some of the accused were relocated to Malta to be tried by international authorities. Although this was the first incident of international action on war criminals, it failed to have any major conviction as most of the accused were influential in the new Turkish government formed after the fall of the Ottoman Empire. The first large-scale convictions took place after the World War II when German and Japanese politicians and military personnel were prosecuted after the 1945 Nuremberg and the 1946 Tokyo trials for World War II atrocities. Yet, the Geneva Convention remains an utopian concept. All conflicts after the World War II, be it Vietnam, Iran-Iraq, Rwanda, Uganda, Yugoslavia, Bosnia, Kosovo, Iraq, Afghanistan or Lanka, have been marked by allegations of massive human rights violation, but only a handful of accused have got sentenced.

## Oxford University Press Blog

Tuesday, 27 March 2012

### **Child Soldiers: Justice, Myths, and Prevention**

By Mark A. Drumbl

Because of the Kony 2012 campaign, everyone is talking about the Lord's Resistance Army, its deranged leadership, and its many victims in northern Uganda, notably child soldiers. Talk is intense.

Amid the constant chatter, however, two crucial issues remain neglected. First, what does justice mean for child soldiers? Second, what contribution does Kony 2012 make to the prevention of child soldiering world-wide?

The Kony 2012 campaign encourages LRA leader Joseph Kony's capture and transfer to the International Criminal Court in The Hague to face a slew of charges. Included among these charges is the war crime of unlawful recruitment, enlistment, or active use of children under the age of fifteen in hostilities. Coincidentally, last week the ICC entered its first conviction. The defendant, Thomas Lubanga, is a rebel warlord from the Democratic Republic of the Congo. Notwithstanding his implication in systematic killings and sexual torture, Lubanga faced only one charge, namely, unlawful recruitment of child soldiers.

Although it remains a war crime to recruit children younger than fifteen, international law increasingly understands child soldiers as being under the age of eighteen. Most child soldiers, after all, are not young children. Most are adolescents, with many aged between fifteen and seventeen. The very young child soldier is an extreme case. Focusing on the extremes, however compelling, also sensationalizes.

Criminally prosecuting and convicting commanders who unlawfully recruit children into armed forces or groups is a step towards justice. But it is only a small step. It is easy to blame a handful of crazed commanders for child soldiering. But the ease of blame fails to uproot the many factors that conspire to facilitate child soldiering. These factors include the small arms trade, state political alliances, poverty, and illegal export of pilfered natural resources. The criminal law presents the allure of the quick-fix — if a couple of evildoers are convicted, the job is done, and justice has been achieved. Such closure, however, is premature. Justice entails much more. It requires reintegrating child soldiers into their communities and supporting local actors. It requires listening to former child soldiers and their priorities, which often include education, reconciliation, and jobs — not distant trials. It requires restoration for persons affected by the violent acts of child soldiers. At times, ironically, long-term justice may depend on short-term injustice. In Uganda, generous use of amnesties from criminal prosecution has helped weaken the LRA by encouraging fighters to abandon the group.

The Kony 2012 campaign and the Lubanga conviction are catalyzing events, to be sure. But these catalyzing events also have a shadow side. The image of child

soldiering that they communicate to the public is not representative of the complexities of child soldiering as a whole.

The image du jour of the child soldier is Africanized. Yet only about 40% of child soldiers world-wide are in Africa. Child soldiering is a global phenomenon. The image du jour is of the abducted child soldier barely able to carry automatic weaponry and ammunition belts slung across shoulders and waists. Although this may be the case for LRA child conscripts, world-wide most child soldiers are neither abducted nor forcibly conscripted. Overall, approximately two-thirds of child soldiers exercise some initiative in coming forward to enroll. Frequently, this volunteerism is chimerical. But, at other times, it is quite real. Young people sign up to achieve political goals, topple dictators, acquire training, achieve economic gains, serve their community, and make the best of a bad situation. They suffer terribly in conflict, but it can be counterproductive to stylize child soldiers as dehumanized tools of war. Treating them as automatons programmed to kill disparages their humanity, resilience, and potential. Defining them as devastated and damaged victims may morph into a self-fulfilling prophecy that, in turn, underachieves rehabilitative programming and juvenile rights.

The image du jour also tends to portray child soldiers as boys. Yet it is estimated that nearly 40% of child soldiers are girls. Regardless of their gender, child soldiers often do not carry weapons. Only a few are implicated in serially committing acts of atrocity. The focus on militarized youth, in turn, should not distract from the need to develop remedial measures for youth associated with criminal syndicates and youth imprisoned for criminal offenses in harsh conditions, a theme addressed at the Youth and Justice blog.

The way we imagine a challenge determines how we go about solving it. At present, what we imagine child soldiers to be reflects a partial print of what child soldiering actually is. When it comes to preventing child soldiering and delivering justice, capturing Kony and convicting Lubanga represent only a starting point, not an endgame.

*Mark A. Drumbl is the author of Reimagining Child Soldiers in International Law and Policy. He is the Class of 1975 Alumni Professor of Law, and Director of the Transnational Law Institute, at Washington and Lee University. He has held visiting appointments with a number of law faculties, including Oxford, Paris II (Pantheon-Assas), Trinity College-Dublin, Melbourne, and Ottawa. Drumbl has lectured and published extensively on public international law, international criminal law, and transitional justice. His first book Atrocity, Punishment, and International Law (CUP, 2007) has been widely reviewed and critically acclaimed. He initially became interested in international criminal justice through his work in the Rwandan genocide jails. Drumbl holds degrees in law and politics from McGill University, University of Toronto, and Columbia University.*

## ICTJ

Tuesday, 27 March 2012

### **Building the First Line of Defense against Impunity: Podcast with Phakiso Mochochoko**



Earlier this month the International Criminal Court (ICC) handed down its first verdict, finding former rebel leader Thomas Lubanga Dyilo guilty of conscripting and using child soldiers in the Democratic Republic of Congo.

This historic verdict was over three years in the making, and comes just before the court celebrates its 10 year anniversary in July of this year. While this marks a critical milestone in the international justice movement, the court's critics and supporters alike point out there is much room for improvement, not least in the length of time required for the ICC to deliver justice.

But the ICC is just a component of a larger system of international justice, notes Phakiso Mochochoko, head of the Jurisdiction, Complementarity, and Cooperation Division of the ICC, in ICTJ's last podcast in our series on complementarity. In fact, "the first line of defense for ending impunity is

that of states."

The Rome Statute "created a system of international justice, with national judicial systems being at the center of this as the first bulwark against impunity," he explains. "The ICC is intended to work with national judicial systems and to intervene only if and when such national judicial systems are either unwilling or unable generally to prosecute."

Under this rubric, he says, a crucial part of the ICC's mandate is to work with national judicial systems, ensuring they are able to carry out investigations and prosecutions of war crimes and crimes against humanity. We can look to the International Crimes Division of Uganda's High Court as an example.

"We have worked with the Ugandan authorities, sharing our experiences and information with them and showing them at least how to handle cases of this magnitude. And this has resulted in the war crimes tribunal in Uganda being able to investigate and prosecute one of the criminals in Uganda."

The global struggle against impunity relies on a frontline of national judicial systems willing and able to prosecute war crimes, crimes against humanity, and genocide. "We have talked enough about complementarity that there are enough people who understand it," Mochochoko concludes. "It is now time for action."