

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



PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office

as at:

Thursday, 16 October 2008

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Concord Times
Thursday, 16 October 2008

Local News

By Joseph
Cheeseman
in The Hague

In what looks like nearing the end of their task, the prosecution in the trial of the former Liberian president Charles Taylor at the Special Court for Sierra Leone has called on four witnesses to showcase "the brutality" of the rebel RUF and their AFRC allies.

James Kpungbu, 33-year-old prosecution witness told the judges that a rebel soldier laid his

right hand on the root of a plum tree and chopped it off with an axe. Under direct examination, the 53rd witness said that he pleaded in vain for his left hand to be spared but that the rebels refused, and chopped the left hand which they left dangling.

He also testified to rape and the burning of houses in Freetown during the 1999 invasion of the city by the rebels. He

recalled the effect the amputation had had on him, as well as a message the rebels gave him, to go and tell then President Tejan Kabba that they were fighting for power.

He said he was still feeling pain where his vein was chopped off. On whether he had ever set eyes on Mr Taylor, James said he only saw him on television. He also told the court that he

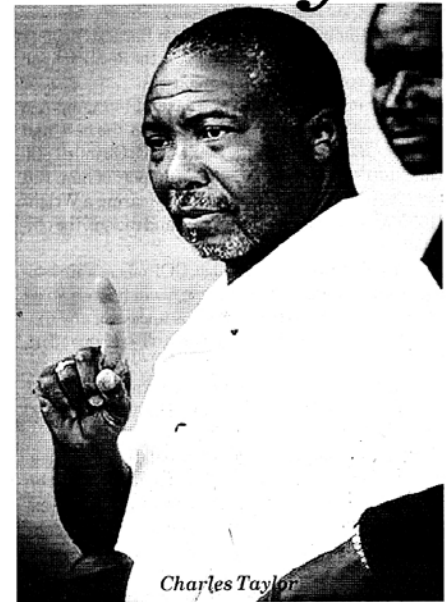
didn't know the name of the rebel group that invaded Freetown in 1999.

Defence Lawyer, Courtney Griffiths pressed the witness on why the prosecution gave him money for "lost wages" when prior to the war he did not work, and he's unable to work since the war ended. He replied saying, "They did not pay me."

The 54th witness, Samuel Komba had testified in another trial involving one Brima Kamara and others. S the prosecution only presented his previous testimonies to the defence team for cross-examination.

60-year-old Komba showed to the judge his amputated hand, his bruised side and his swollen right leg, saying a rebel commander known only as Savage brutalized him. He became furious and raised his right hand bearing four stiff fingers when Defence lawyer, Courtney Griffiths asked whether he could work with the hand. "I can't. I can't write any... I can't do anything with this... Look at it... This one and this one, are they

Witness showcases Taylor brutality



Charles Taylor

the same? Twice, it was chopped with a cutlass, you see? And he also chopped me on my leg. He stabbed me also on my side, and he slapped me in the face. And you see my eyes? I can't see clearly."

The third witness of the day, Sorie Kondeh said he was captured at age 20 years by a joint AFRC/RUF force in Yormadu, in the eastern Kono District. He told the court that one Lieutenant Bangali had ordered members of his

Small Boys Unit to inscribe the letters AFRC/RUF on his chest alongside other civilian.

Another witness, a 26 year old Sierra Leonean woman named Yei Sundu Macaulay testified in open session that she was raped by the rebels. She ended her testimony after she was briefly cross-examined by Taylor's lead lawyer Courtney Griffiths.

Courtesy BBC World Service Trust

Independent Observer
Thursday, 16 October 2008

Juvenile Delinquents And The Legal System

By Juldeh Jalloh

Despite the comprehensive set of standards formulated to maintain international standards in juvenile justice, states all over the world have retained an overwhelming punitive response to young offenders.

In many countries of which Sierra Leone is no exception, youths have become synonymous with crime and anti-social behaviors. There has been a significant and alarming increase in youth crime. Available statistics indicates that over one hundred and fifty youths are currently remanded in Pademba Road Prison under very terrible conditions. It is evident that the existing poor structures and the seemingly ineffective criminal justice system undermines juvenile justice in Sierra Leone.

The Ministry of Social Welfare, Gender and Children's Affairs and the Ministry for Justice are mandated to handle issues relating to juveniles. The Chief Justice appoints court officials and magistrates to preside over juvenile matters. While the Ministry of Social Welfare and Children's Affairs is mandated to seek the welfare of juveniles. The situation of juvenile justice is exacerbated as a result of economic hardship arising out of poverty and deprivation compounded by broken family institution and limited opportunities at the end of the war. Young people by circumstance are forced to fend for them selves and thus, indulge in all sorts of vices to survive. Consequently, young people are often arrested and detained in a manner completely contrary to minimum international standards dealing with juvenile offenders. Though there is an increase in juvenile cases in the criminal justice system, there has been little or no corresponding increase in facilities to accommodate juvenile defaulters in prison and police stations across the country.

In addition, there has been no marked improvement in the condition of juveniles. To further strengthen this argument young people including children are sent to under resourced and under staffed remand homes, sometimes going without food for a good number of days. Others are languishing at the Maximum Security Prison at Pademba Road.

The Children and Young Person's Act (Cap 44) is not definite on the treatment of young people in conflict with the law. By law, young people should be entitled to bail with or without a surety, but the prosecution has the discretion to refuse bail based on the gravity of the offence.

Additionally, though Cap 44 of the same Act provides for the separation of juveniles from adults; they are still held together in the same prisons at Pademba Road. The law states that juvenile should be separated from adult prisoners. To substantiate, presently at the Pademba Road Prison, children are held together with adults at the same cells which lead to sexual harassment (mostly anal sex), abusing the rights of children. Facilities for the administration of juvenile justice are extremely limited and unsatisfactory. Attempts to establish juvenile courts in various parts in the country are yet to materialize. Probation officers and social welfare officers from the Ministry of Social Welfare, Gender and Children's Affairs have limited support and are poorly remunerated to conduct investigation of offenders for the attention of the magistrates. This state of affairs has resulted in undue delay of trials of young people often held in remand for longer periods.

Another major factor affecting the growth of juvenile justice is the lack of legal aid for offenders. These are all contributing factors in the delay of trials for poor and vulnerable offenders in the criminal justice system. However, organizations like Lawyers Centre for Legal Assistance (LAWCLA) and Defense for Children International Sierra Leone (DCI-SL) are among the few that have provided legal assistance. It should be noted that Sierra Leone has ratified all major International Treaties, but unfortunately they have a poor record of domesticating these treaties. The Convention on the Rights of the Child (CRC) was ratified in 1990 but it is yet to be implemented.

Article 37, 39 and 40 of the Convention states:

States should ensure that no child is subjected to torture, cruel, inhuman or degrading treatment.

State parties should ensure social integration of child victims of exploitations torture or armed conflicts.

This article states that treatment of children accused of infringing the penal law shall promote the child's sense of dignity.

Additionally, the convention also requires states parties to have "regard for the relevant provision of international instruments". The additional key international instrument with regard to juvenile justice include: the UN Standard Minimum Rules for the Administration of Juvenile Justice.

BBC World Service Trust

Wednesday, 15 October 2008

Report from The Hague

The trial of accused Former Liberian President, Charles Taylor has been continuing for three days in the absence of Presiding Judge, Teresa Doherty. In her absence, Justice Richard Lussick is presiding over the Special Court for Sierra Leone. Justice Lussick is being assisted by the Uganda Lady Justice, Julia Sebutinde and Alternate Judge El Hadji Malick Sow. Where then is the Presiding Judge of the Special Court for Sierra Leone? Joseph Cheeseman reports from The Hague.

CHEESEMAN: The Presiding Judge of the Special Court for Sierra Leone in The Hague, Justice Teresa Doherty has not been to court for the past three days..

But none of the parties, the prosecution and the defence raised any issue regarding the absence of Justice Doherty. The bench now presided over by Justice Richard Lussick made no announcement about why the Judge was absent from the court.

When asked by the BBC World Service Trust on Tuesday, the Outreach and Press Officer of the Special Court in The Hague said the only information that was available to him was that the Presiding Judge of the Special Court, Teresa Doherty was in the United States of America.

According to Mr. Solomon Moriba, Justice Doherty has gone to the United States of America to present papers in some universities.

Despite the absence of Justice Doherty, the trial of Charles Taylor has been proceeding without any incident. In her absence, ten prosecution witnesses have completed their testimonies.

Today Wednesday, the prosecution 61st witness, Sarh Charles on cross-examination testified that the Junta and the RUF rebels in 1999 flogged and killed some civilians in the Sierra Leonean Town called Tumbudu.

Mr. Charles told defence Lawyer, Terry Munyard the rebels looted vehicles, rice and clothes and made civilians to carry them. He said a young man was killed for his own property. Mr. Munyard wanted to know from the witness whether the rebels had a system of discipline.

MUNYARD: But the rebels arrested the three people who were responsible, did they?

CHARLES: Yes.

MUNYARD: And they killed one of them, for his part in the murder and robbery of the young man?

CHARLES: Yes, that is what they said. That they had killed one of them. I was not there when he was taken away. I was not there any longer, when they took them away. But they said they had killed one of them, they said they would kill three people for one person.

CHEESEMAN: Mr. Charles testified previously in the trial of Issa Sesay, Morris Kallon, and Augustine Gbao of the RUF in January 2005, in Freetown. The witness is being cross-examined by the defence from the transcript of his previous testimonies. The witness said civilians were punished for giving food to Zambian Peace Keepers captured by the rebels. Defence Lawyer Munyard was interested in the kind of punishment administered to the civilians by the rebels.

CHARLES: The punishment, when they said we should not take food for them, they were punishing us, they were threatening us. Just like you would threaten someone.

MUNYARD: Yes, but tell us what the punishment was please.

CHARLES: When we took food for them, and they said we should not take food for them, they chased us out. They did not beat us up, but they were threatening us that we should not take food for them.

CHEESEMAN: The Prosecution presented two other crime base or war-affected witnesses for cross-examination. A 48 year old Sierra Leone woman, Siah Kamara who allegedly suffered sexual violence testified in open court that several of the rebels did terrible things to her. Tejan Cole, a young man who said the rebels captured him at age 17 was cross-examined on his whereabouts when Captain Valentine Strasser overthrew the government of Sierra Leone headed by Joseph Momoh as president. Mr. Cole said he was in the Sierra Leonean Town of Zimmi where several Liberian mercenaries were residing at the time.

Within three days the prosecution has put ten crime base witnesses on the stand.

BBC World Service Trust

Wednesday, 16 October 2008

Defence Lawyer questions prosecution spending

The Defence Team of Former Liberian President, Charles Taylor says the spending of 20-Thousand United States Dollars by the prosecution to transport crime base witnesses to The Hague is a waste of money.

Defence Lead Lawyer, Courtney Griffiths said this money could better be spent on the poor people in Sierra Leone.

Mr. Griffiths was making reference to ten crime base witnesses transported from Freetown to The Hague by the prosecution for the past three days to testify against Charles Taylor.

The Defence Lawyer said the ten war-affected witnesses spent ten nor less than ten minutes each on the stand just to say they were either raped, maimed or amputated.

Mr. Griffiths told the BBC World Service Trust in an interview the issue in Taylor's case is not that people in Sierra Leone were not amputated, raped, maimed, killed or houses burned.

He said the major issue is whether or not the accused Former Liberian Leader ordered controlled or directed the atrocities that took place in Sierra Leone.

Mr. Griffiths said his defence team expected the prosecution to be selective in presenting the evidence of their witnesses.

The Lead Defence Lawyer also told reporters they anticipated the prosecution to what he called clearly delineated the area of the witnesses' testimonies that they would not rely on.

United Nations  Nations Unies

United Nations Mission in Liberia (UNMIL)

**UNMIL Public Information Office Complete Media Summaries
15 October 2008**

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

Newspaper Summary

Arrest of Motorcyclists Sparks Violence

(Daily Observer)

- Despite the recent ruling by the Justice-in-Chamber Jamesetta Howard-Wolokollie for the police to halt the arrest of motorcyclists in Monrovia, arrests at Red Light commercial district continued. Officers of the Liberia National Police (LNP) were seen arresting motorcyclists that led to a violent confrontation at the densely populated Red Light.
- At one of the scenes of the confrontation, some motorcyclists expressed shock and outrage about the action of the officers. They argued that the police were not adhering to Justice Wolokollie's decision to return to the negotiating table.

Slanger Tell TRC How Quiwonkpa's was Killed - Says He Claimed False Credit

(The News, The Inquirer, Daily Observer, Public Agenda, The Informer)

- The News newspaper reports that Former Armed Forces of Liberia Captain, Edward Slanger, the man who gained notoriety for crushing the November 12 coup in 1985, has given contrary accounts about the brutal killing of the coup leader, Gen. Thomas G. Quiwonkpa.
- Speaking at on-going Thematic and Institutional Hearings of the Truth and Reconciliation Commission (TRC) on Monday, Mr. Slanger admitted commanding a group of AFL soldiers who arrested and killed Quiwonkpa following the 1985 abortive coup but refused to give further details. But in his testimony yesterday, the former AFL Captain said he did not actively participate in the killing of Quiwonkpa following the 1985 abortive coup. He said he had claimed responsibility because he wanted the "credit and glory"

Fuel Oil Discrepancy Continues at LEC ...Despite Suspension of Top Managers

(The News, Public Agenda)

- [Sic:] The News has gathered that despite the suspension of two top managers at the Liberia Electricity Corporation (LEC) in the wake of discrepancy in fuel and oil procured and consumed for the corporation's generating plants, over 1,500 gallons of fuel remains unaccounted for between the period October 8 to 1, 2008. A communication reveal that the USAID-International Resources Group(IRG), a donor consultant of LEC has now assume the function of procuring oil from TOTAL a petroleum importer

and dealer and delivering same to the New Kru Town, Congo Town and Paynesville to generate power under the Emergency Power Project(EPP).

- The Communication revealed that since IRG assumed the role at the LAC earlier this month, personnel of the Ware Housing Department have been unofficially excluded from receiving fuel by IRG which has assumed dual roles in procuring and delivering fuel for the corporation's plants.

Traditional Council Presents Agriculture Proposal

(Daily Observer)

- The National Traditional Council of Liberia has presented a proposal to President Ellen Johnson Sirleaf to boost rice production in the country. As part of the proposal, the council has set up a Special Task Force known as the Unity Farm Coordination to mobilize citizens in district headquarters of the 15-political sub-divisions of the country to cultivate at least 250-acres of land for seed rice production.
- The objective of the project, the Chiefs say is to encourage each county headquarter to organize a central agricultural seed bank for the county. Under the initiative, farmers who may have poor harvest will receive seed at no cost.
- The chiefs said the nine-month proposed initiative is in support of President Ellen Johnson Sirleaf's effort to promote self-sufficiency in food production. The Liberian leader welcomed the proposal and lauded the chiefs for their farsightedness. She assured them that the proposals will be studied within Government's budgetary framework with the aim of identifying resources to jump- start the project, estimated at more than USD\$60,000.

Radio Summary

Star Radio *(News culled today from website at 1:00 pm)*

March for War Crimes Court Failed to go ahead as Panned

- Main radio stations said a group of Liberian advocating for the establishment of a war crimes court for Liberia failed to stage a peaceful demonstration in Monrovia on Wednesday. Reports said the group convened before the Monrovia City Hall but did not march as planned apparently due to poor turnout. They had planned to present a petition to representatives of the international community in support of the establishment of a war crimes court for Liberia.

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

Liberia's Truth Commission Replies to Taylor's refusal to testify

- The Truth and Reconciliation Commission says it is not disappointment over the denial of an audience with detained former President Charles Taylor.
- The TRC wanted audience with Mr. Taylor but both Taylor and his lawyer Courtenay Griffiths refused the move.
- TRC Chairman Cllr. Jerome Verdier said the commission is satisfied with the due diligence given Mr. Taylor although it was rejected.
- The TRC Chairman did not disclose the names of the six persons who refused to face the commission.
- He said they gave reasons ranging from security to legal issues and other excuses.

- Commissioner Verdier said the TRC is already successful and was working to work on its last success of making recommendations.
- Taylor's lawyer has said that without hearing from the detained former President, the TRC process will be useless.

Transitional Working Group advances recommendations for peace

- The Transitional Justice Working Group in collaboration with its international partners has issued a six-count recommendation for lasting peace in Liberia.
- The groups identified the building of transitional justice and coexistence capacities as important steps towards the prevention of future conflict.
- The rights groups believe for a transitional justice process to be truly effective the conceptualization and design phase must be inclusive.
- The six-count recommendations also pointed out that in the process of decision-making, equity, balance, and fair access to resources must be taken seriously.
- A Professor of Coexistence and Conflict at Brandeis University, Dr. Mari Fitzduff said the recommendations would ensure balance in society.
- Dr. Fitzduff hopes the six-count proposals when adopted, would serve as an addendum to the Truth Commission's overall future recommendations

Youth draws President Sirleaf in local politics

- [Sic]A Bong County Youth group says it is disappointed over President Sirleaf's response to a corruption allegation in the county. The Concern Youth for Accountability, Transparency and Equal Justice in Bong County claimed the president's response is not in the interest of fighting corruption. President Sirleaf on Sunday visited Sanoyea District in Bong County to address issues of concern to the citizens. Following complains of rampant mismanagement of the county's development fund the President said anyone who steals government's money would be made to pay back. An Executive member of the Bong County Youth group said they expected the President to recommend prosecution for anyone found of corruption. Mr. Melvin Cole alleged Superintendent Rennie Jackson and his co-workers are constantly squandering money coming to the county. Mr. Cole claimed funds intended for the county are not being equally distributed to all districts and unilateral decisions are being run. Responding, Superintendent Jackson said accusation of corruption against him by Mr. Melvin Cole is a calculated plan by him and his boss. Mr. Melvin Cole serves as Political Officer in the office of Bong County Senator Jewel Howard-Taylor. Superintendent Jackson said Mr. Cole is being used to carry out smear campaign against him and his administration. The Bong County Superintendent clarified every fund expended from the county is approved by all parties concern including the caucus. On the issue of the county sports stadium, Superintendent Jackson said it was the consensus of the citizens to have it built. He called on Mr. Cole and his co-accusers to carefully read the audit report released by the General Auditing Commission.

Education Minister reports 27 students to one textbook

- Education Minister, Dr. Joseph Korto says the students' textbooks ratio is 27 to one in the country.
- Minister Korto said the ratio shows that the educational sector of Liberia is facing acute shortage of textbooks.
- He spoke Tuesday at program marking the signing of the Textbooks Procurement Contracts through the educational pooled fund with four publishers at the ministry.

- Dr. Korto noted that the provision of relevant textbooks is crucial to the improvement of the educational system of the country.
- According to the Education Minister, under the contracts, the publishers would prepare thousands of textbooks for the primary level in the sector.
- Minister Korto put the total value of the contracts at more than four million United States dollars.
- Dr. Korto stressed that when prepared, the textbooks would be what he called culturally sensitive.
- He said funding for the project was made available by some educational partners of Liberia.

Liberia celebrates Global Hand Washing Day

- Liberia today joins member states of the United Nations to celebrate the first ever Global Hand Washing Day.
- The day is in support of the United Nations General Assembly declaration of 2008 as the International Year of Sanitation.
- According to a Ministry of Health release, the global hand washing day will reinforce the call for improved hygiene practices with a special focus on children.
- The release said hand washing with soap is among the most effective and inexpensive ways to prevent diarrhea related diseases.
- According to the ministry, every year, more than three point five million children do not celebrate their fifth birthday due to diarrhea related diseases.
- The release said proper hand washing is an intervention that can help meet the Millennium Development Goal of reducing deaths among children under the age of 5 by two-thirds by 2015.
- The release said the Health Ministry and its international partners have planned activities to observe the day.
- The collaborating partners include UNICEF, WHO, Education Ministry, the Liberia Red Cross, ZOA Refugee Care and Concern World Wide.

Study identifies management problem at Liberia's Finance Ministry

- A study conducted by the group Change Management at the Finance Ministry has identified problems affecting performance at the ministry.
- According to the study, outdated organizational structure, overstaffing, absence of clearly defined roles and responsibilities remain the most visible problems.
- Among other problems named in the study are ineffective employee evaluation, unnecessary layers of authority and lack of skills.
- The Ministry of Finance in collaboration with Change Management Tuesday began a three day forum to adopt a new approach toward improving the Ministry's internal structures.
- The forum is considering Administration, revenue and expenditure policies and the budget process as important issues.
- Statistics show the last time the Ministry experienced structural change was in 1972 when the department of Treasury became of Ministry of Finance. Since then, the organizational structure of the Ministry has not been changed to conform to the changing needs and priorities of the

The Inquirer (Monrovia)

Tuesday, 14 October 2008

Forum for Crime Court Commends President Bush

By Melissa Chea-Annan

Two non-government organizations operating in Liberia, Kpatawee Community Development Association and the Sharpe Home Care Services were happy beneficiaries of a grant of US\$177,000 from the United States African Development Foundation over the weekend.

The two separate grants that are expected to benefit a total of 405 Liberians are aimed at increasing income to marginalized entrepreneurs and creating sustainable social structures within beneficiary communities.

Prior to the signing ceremony at the United States Embassy in Monrovia, the Political and Economic Counselor of the United States Embassy, Steven Koutsis said the 405 Liberians will directly benefit from improvements made to their businesses and live with countless others to indirectly benefit as a result of the United States African Development Foundation.

The first grant was given to the head of the Kpatawee Community Development Association, Madam Garman Sumo of Bong County who wants to generate income from ecotourism activities around the "Kpatawee Water-Falls.

Two affected communities, which have a population of 105 villagers located in Suacoco are expected to receive the amount of US\$75,236.

According to the Embassy official, the money that will be received over 15 months will be used to enhance the capacity of the beneficiaries to provide eco-tourism services around the waterfall and earn higher incomes for themselves.

Counselor Koutsis explained that the second grant which was received by the Executive Director of the Sharpe Home Care Services, Betty Sharpe will be used to empower and improve the lives of its members, by providing them with wider access to finance through a microfinance scheme.

Members of the Sharpe Home Care Services include underprivileged, vulnerable and war-affected women. Sharpe Home Care Services is located on the outskirts of Monrovia in Montserrado County.

According to the Counselor, the three-year US\$99,700 grant given to the Sharpe Home Care Services will improve income levels of its members by developing and institutionalizing an appropriate and effective financial and management system,

establishing a micro-lending scheme with a 98% target repayment rate, and increasing the group's total interest income by over 400% over three years.

The recipients in separate statements praised the United States African Development Foundation for the grants. They assured the counselor that the grants would be used for its intended purpose to impact in the lives of its members and the society at large.

The United States African Development Foundation is dedicated to directly funding African business ideas and the grants that were given to the two groups over the weekend were intended to improve their members' livelihoods.

The grants will also pay for governance and management training, financial and accounting reporting system, environment and business assessment for enhanced eco-tourism facilities, office construction equipment and strategic plan for eco-tourism.

According to the Embassy Official, the Foundation has funded directly nearly 1,100 African projects in 18 African nations, representing in excess of US\$150 million in support of African enterprises and local African communities.

Economist.com

Wednesday, 15 October 2008

Delayed and denied

Trials of Khmer Rouge leaders are put off again

WILLIAM GLADSTONE's old saying that justice delayed is justice denied certainly applies to the trials of the ghastly Khmer Rouge regime, which terrorised Cambodia in from 1975 to 1979. The insane, communist-inspired party, led by Pol Pot, tried to eradicate the entire educated population and turn Cambodia back into a primitive agrarian society. Millions were slaughtered or died of starvation before Vietnam invaded and brought the regime down.

In 2003, after years of arguments at the United Nations, a special court was created to try the Khmer Rouge's leaders—although by then Pol Pot had died, at liberty. Since then, the tribunal's progress has been glacial. On October 9th, the first of its trials, which it had been promising would start this month, was again postponed indefinitely. Such delays could cause world powers to lose interest in a war-crimes tribunal that is no less important than those investigating tragedies in Rwanda, Sierra Leone and the former Yugoslavia.



AP

The latest arguments over legal niceties mean that months more will pass before Kaing Kek Iev, alias Duch (pictured), will be tried for war crimes and crimes against humanity. Now aged 65, he ran the Tuol Sleng interrogation and torture centre in Phnom Penh, the capital.

Nowadays it is a “genocide museum”—a ghoulish tourist attraction with rusting shackles still attached to the walls of tiny cells and display cabinets containing the skulls of some of the countless victims.

Duch was arrested in 1999, and another four former regime leaders, in their seventies and eighties, were detained last year. The five prisoners won the court's permission last month to speak to each other, despite worries that they might collude and jeopardise their trials.

The tribunal, based in the outskirts of the capital, is an unwieldy compromise. The original proposal was for it to be entirely under the UN's control, like the tribunal for the former Yugoslavia. But China threatened to veto this, perhaps fearing that such an independent international body would unearth embarrassing evidence of its close support for the Khmer Rouge.

The Cambodian government, led by Hun Sen (a former Khmer Rouge officer, though not himself implicated in the regime's enormities), was also keen to ensure the UN did not have too much control over the tribunal. So what was agreed in the end was an "Extraordinary Chambers in the Courts of Cambodia", with a majority of local judges.

The result has been constant tensions between the international and Cambodian staff. Early last year allegations surfaced that Cambodian staff were being forced to give part of their salaries to their bosses. This is a common practice elsewhere in the country's corrupt and ramshackle public institutions, where workers are prepared to forfeit most of their meagre official pay in return for the opportunities for side-earnings that state jobs offer. A preliminary inquiry by the UN found the accusations credible, but it lacks formal investigative powers—and the government, which does have such powers, would rather hush it all up.

Despite the scandal, big foreign donors recently agreed to keep funding the court for now. Its costs, from its inauguration to its expected conclusion in 2010, have soared from an initial budget of \$56.3m to \$170m. America, Germany and Japan have just made fresh contributions but the Open Society Justice Initiative, one of George Soros's charities, which is monitoring the tribunal, reckons it is still short of \$74.6m.

As with the countless other foreign-funded projects to help Cambodia, rich-world governments and charities are in a sticky situation. They pour in money and push for reforms to ensure that it is not wasted or stolen, while suffering the indignity of Mr Hun Sen thumbing his nose at them, knowing that whatever they threaten, they will not withdraw their funding.

The prime minister heaped special scorn on Yash Ghai, the UN's human-rights envoy to Cambodia until last month when he resigned, tired of being insulted by Mr Hun Sen—who has called him "deranged" and dismissed him as a "tourist"—and getting no back-up from the outside world. Mr Hun Sen has been promising a new anti-corruption law for years. Foreign diplomats and aid-agency chiefs in Phnom Penh know perfectly well that even if passed, it would make little difference. But it would at least look like progress, and would also give their bosses back home the cover for continuing to shower money on the country.

Having just increased his majority in an election marred with irregularities, Mr Hun Sen feels pretty safe in power. For all his flaws, his iron fist has at least pacified the country after the long civil war that followed the fall of the Khmer Rouge. Most Cambodians are too young to remember its horrors. For good or ill they, like their government, seem to have more pressing concerns than bringing the regime's elderly, surviving leaders to justice.

Business Daily (Nairobi)

Thursday, 16 October 2008

<http://www.bdafrica.com/index.php>

Editorial: It is time to end the culture of political impunity

The Waki Commission has handed its report to the executive and it is now time for this nation to move to the next level that will mark the end of an in-built culture of political impunity. This will not be easy.

We say it is not easy because in the context of international law we will be looking at both State Actors and non-state actors alike. The next level will be arguably the hardest part in the healing process because it marks the road towards punitive justice and reconciliation and invokes international justice system.

The violence that engulfed this nation, the wanton killings, rape and maiming of innocent individuals by both the security apparatus and non state actor groups like Mungiki, Taliban and Kalenjin Warriors should never have happened.

The Waki Commission has separated crimes against humanity from other municipal crimes like looting and blocking highways.

Key perpetrators

One of the bold recommendations that came from the Commission was that of setting up an International Tribunal to indict the financiers and key perpetrators of the post-election violence.

This will follow similar Tribunals and Special Courts set in Sierra Leone and Liberia that are still investigating and trying war financiers and those who committed grave crimes against humanity in the guise of war.

Kenya should follow the same international tradition set up and should not sacrifice the quest for justice for the sake of peace. It should not allow a culture of impunity for political expediency.

This is because justice and peace should go hand in hand as the Liberian Tribunal has taught us.

The onus will now be on the Kenyan State to ask the United Nations to pass a resolution that will see the setting of such a tribunal to confront those who committed heinous crimes.

Under international law, Kenya has the responsibility to prosecute the perpetrators although it will find itself in a dilemma similar to that of Sierra Leone.

Should some of the perpetrators go free to maintain the status quo? We believe, like in Sierra Leone case, that nobody should be immune to trial whatever position they hold.

Kenya is a signatory to the International Criminal Court (ICC), the first permanent international court to investigate and try individuals who violate international criminal law: genocide, war crimes, crimes against humanity.

The moral of that court and the emerging international paradigm is that no perpetrator of violence against humanity should walk free. As such, and as Waki has recommended, this nation must gather political courage and will to move to that level.

Unless politicians, private parties, and those in authority are held accountable for their deeds, this country will continue to wallow in deceitful peace.

It is important to note that the Waki Commission has identified the perpetrators and that the names will be handed over to the council of eminent persons for custody and onward transmission to the Tribunal once formed.

Policing priorities

The Waki Commission has similarly identified weaknesses in our security system that should be addressed quickly. The nation's intelligence network while not lacking in intelligence, seemed unable to utilise the information it had to forestall the damage that was done.

But it is the regular and administration police that should take the major blame for failing in their policing priorities.

There are both policy and structural issues that have been identified and which could inform the intended reforms within the security system. That should be done quickly.

But the Waki Report will only be relevant if we implement its recommendations faithfully and judiciously. Any attempt to water down the recommendations will make nonsense the spirit of the entire mission.

No nation survives if it sacrifices the rule of law and that is the spirit that marks the foundation of the United Nations and its mandate.