

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



Weaver birds nests

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:

Tuesday, 23 April 2013

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
Martin Royston-Wright
Ext 7217

Local News

...Mosquito Attack Teacher / *African Young Voices*

Page 3

International News

Time Running Out for Khmer Rouge Tribunals / *Aljazeera*

Pages 4-7

Analysis: Is it now time for TRC II? / *The New Age Online*

Pages 8-9

As World Malaria Day Arrives... squitoes Attack Teacher!



(CT: this blood
 ve and kickin!!!)

Renowned local teacher, Teacher Lemp Lemp, was discharged yesterday from the Bangura Bangs Hospital after three days of intensive treatment against mosquito infections. This comes few days to the commemoration of World Malaria Day on Thursday 25th April 2013, when the whole world of humans unite to defeat malaria, a disease believed to be strongly associated with mosquitoes.

ambush

The illiterate local teacher reportedly fell into an ambush of mosquitoes led by feared bush commando, General Anopheles Sam Maskita Bockarie, on Friday last.

According to News Agency reports, Teacher Lemp Lemp returned from a night out at the Edet Garden, threw himself semi-naked on the sofa in his parlour and started dosing off when a squadron of mosquitoes appeared from nowhere. Teacher told friends and well-wishers at the hospital that he thought he was dreaming.

feast

"The last thing I remember I saw was the face of General Anopheles Maskita and the last thing I heard was him ordering his combatants to feast on me," Teacher Lemp Lemp recounted.

The poor local teacher was rushed to the hospital by fellow inmates who discovered him the following morning half dead with his body all swollen from mosquitoes' bites.

legal action

However, Dr. Bangura Bangs confirmed that there was no malaria infection.

Meanwhile, Teacher Lemp Lemp said he has informed his 'erudite' lawyer, Edu Okanya, for legal action against both the Government of Sierra Leone and [the Special Court for Sierra Leone](#) for "mis-information".

corpse

Government had long announced that commander of the mosquito rebels, Basic General Anopheles Maskita, had been assassinated in neighbouring Liberia and his followers had fled to the Ivory Coast.

This was further confirmed when the corpse of the notorious mosquito commando was extradited home and an autopsy conducted by [the Special Court for Sierra Leone](#).

not true

Subsequently, then [Special Court's chief prosecutor David Crane](#) asserted that General Maskita was "factually and scientifically dead."

"That is absolutely not true," said a bewildered Teacher Lemp Lemp. "Maskita is alive and he's multiplying by the seconds."

Aljazeera

Saturday, 20 April 2013

Time running out for Khmer Rouge tribunals

After death of 'Brother No.3', calls are made to speed up trials of remaining leaders behind Cambodia's killing fields.

Phnom Penh, Cambodia - More than 30 years after the Khmer Rouge's murderous rule came to an end, the United Nations-backed tribunal in Cambodia faces a race against time to bring the regime's aging leaders to justice.

Underscoring the urgency, a founding member of the Maoist-inspired group, Ieng Sary - one of four defendants accused in a joint trial of the former leaders - died in a hospital from heart failure last month at age 87.



Bou Meng, a rare survivor of the Tuol Sleng prison, wants trials finished before Khmer Rouge leaders all die [Reuters]

The landmark trial's aim is to hold accountable the Khmer Rouge leadership for an estimated 1.7 million deaths - about 25 percent of Cambodia's population - between 1975 and 1979. Mass executions, slave-labour-like conditions, and widespread starvation were all hallmarks of the Khmer Rouge's bid to create a communist agrarian utopia.

Observers say with time running out, the legacy of the first-ever war crimes and genocide tribunal held in Asia could be undermined.

Only two defendants remain in the dock, both frail old men: 86-year-old "Brother Number 2", Nuon Chea, and Khieu Samphan, the 81-year-old former head of state. Both were members of leader Pol Pot's inner circle responsible for Cambodia's "Killing Fields".

"The tribunal has achieved so much for the victims. They know their voice is being heard. It is all about recognition of what they suffered."

- Youk Chhang, Khmer Rouge victim

Hundreds of mass graves littered the Southeast Asian nation after the Khmer Rouge were driven from power by Vietnamese forces in 1979.

Both Nuon Chea and Khieu Samphan deny charges of war crimes, genocide and crimes against humanity.

Nuon Chea's defence team has argued he should be released after suffering high blood pressure, acute bronchitis and heart disease which, it said, make him too weak to stand trial.

Ieng Sary's wife, meanwhile - the former Minister of Social Affairs Ieng Thirith - was declared mentally unfit to stand trial after being diagnosed with dementia and released in September.

The clock is now ticking on whether a verdict can be reached in the long-running trials.

Drawn out process

The tribunal started in 2006, nearly three decades after the fall of the Khmer Rouge.

It combines Cambodian and international lawyers and judges, operating under the auspices of the Cambodian legal system, with assistance from the United Nations. It is known as the Extraordinary Chambers in the Courts of Cambodia (ECCC).

The tribunal has been plagued by controversy from its inception, with some defence lawyers **calling** it a sham, while others **have** derided its credibility, with claims of corruption and political interference.

Erratic funding from donor governments has also hindered the trials. About 270 Cambodian employees at the UN-backed court, who hadn't received paycheques for months, went on strike in March. Emergency funds were raised to end the two-week walkout, but it remains **unclear** where a further \$7m, reportedly needed to cover 2013's costs, will come from.

Duch was chief of the notorious Tuol Sleng prison - codenamed "S-21" - where some 14,000 Cambodians were tortured and executed in the capital Phnom Penh. Despite an estimated \$170m spent during the tribunal's six years' work, only one Khmer Rouge defendant, Kaing Guek Eav - better known as "Comrade Duch" - has been convicted.

"It is a sad indictment of the Khmer Rouge tribunal that after more than six years, only one person has been convicted and only two others, Nuon Chea and Khieu Samphan, remain on trial for Khmer Rouge-era crimes," Brad Adams, Asia director of Human Rights Watch, said in a report.

"Cambodians now face the prospect that only two people will be held legally accountable for the destruction of their country."

'Great Powers' opposed



The public gallery of the ECCC [Tom Fawthrop/Al Jazeera]

However, Cambodian and UN staff at the tribunal point out it is hardly fair to blame the court, since many top-ranking Khmer Rouge leaders died long before it was established, including "Brother Number 1", Pol Pot himself, in 1998.

Western diplomats had long predicted that a tribunal would never happen.

During the Cold War of the 1980, the US government supported the Khmer Rouge regime, retaining Cambodia's seat at the United Nations, and actively obstructed any moves to bring genocide charges against its leaders.

"The US was at the forefront of Western bloc efforts to ensure that the Khmer Rouge, a regime that had committed genocide, would retain Cambodia's seat at the UN," Alex Hinton, director of the Center for the Study of Genocide, Conflict Resolution and Human Rights at Rutgers University, told Al Jazeera.

Yale University history professor Ben Kiernan wrote wrote: "China, the United States, and the Association of Southeast Asian Nations [ASEAN], all supported Pol Pot's Khmer Rouge in various ways. The Great Powers opposed attempts to bring the Khmer Rouge to justice."

It took 18 years for the UN to finally acknowledge that horrific crimes that had taken place under Pol Pot's rule. The UN General Assembly adopted a resolution in 1997 to "examine the request of Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law". Six years later, the UN finally agreed to assist Cambodia in setting up a tribunal.

But the UN has since defended the trials. Lars Olsen is the UN legal affairs spokesman for the tribunal.

"Justice for the victims is fading little by little. The court must speed up the trial. I deserve some kind of justice while I'm still alive."

- Bou Meng, Tuol Sleng prison survivor

"When I arrived in 2009, there was an overwhelming sense of pessimism," he told Al Jazeera.

"It was predicted the Duch trial would never finish, and case 002 [the current trial] would never start, claiming the government did not want it. All these doomsday predictions started a long time ago, and these doomsday predictions have all been proved wrong," he said.

Olsen admitted the court originally attempted to do too much. "The tribunal started with unrealistic expectation of investigating too much and too broadly", which took up too much time, he said.

Frustrated victims

New York-based Human Rights Watch accused Cambodian Prime Minister Hun Sen last month of having "done everything in his power to stymie the tribunal's work".

Hun Sen, however, has repeatedly denied any efforts to interfere. "The power is in the hands of the court," he said in a speech on a national radio in March. "Whether the process is slow or fast is up to the court, not me."

Many Cambodians are also frustrated after waiting 30 years for a tribunal to come to fruition, only to see the wheels of justice barely moving.

"Justice for the victims is fading little by little," said Bou Meng, one of a handful of people to survive incarceration at the Tuol Sleng prison. "The court must speed up the trial. I deserve some kind of justice while I'm still alive."

Others point out that justice systems around the world are equally slow and expensive.

The International Criminal Court in The Hague, for example, has convicted only one person - Congolese leader Thomas Lubanga - in its decade of existence - at a cost of about \$900m, compared with the ECCC's \$170m and Duch's sole conviction.

Youk Chhang is a former Khmer Rouge victim and director of The Documentation Center of Cambodia (**DC-Cam**). His organisation has provided the ECCC with a treasure trove of evidential documents. For him it's the process, not necessarily the result that is most important.

"The tribunal has achieved so much for the victims. They know their voice is being heard," Chhang told Al Jazeera. "It is all about recognition of what they suffered. The evidence in the tribunal is a vindication of what they [victims] told us 30-years ago."

Watching justice unfold

Many victims have attended the court's public gallery, which has seating capacity for 500. Most never imagined they would ever get the chance to see their tormentors, top leaders of the regime, finally brought to court.



Khmer Rouge 'Brother Number 2' Nuon Chea [Reuters]

In Phnom Penh, it has been a full house when court is in session, with more than 76,000 people attending since the second trial commenced on November 21, 2011. UN spokesman Olsen estimated 90 percent were Cambodians, and the rest foreigners.

The figure dwarfs those who have watched other tribunals at The Hague, in Sierra Leone, and in Rwanda.

This tribunal is not just about the past, Chhang said. "It is a foundation to build a better Cambodia and to prevent genocide in the future."

Still, critics complain that justice has been tarnished by **allegations** that the Cambodian prosecutor and investigating judge have blocked further action against more Khmer Rouge suspects. That said, even with the chronic lack of funding, investigations continue for possible future trials.

The court has also created an important precedent in international law. It is the first-ever tribunal to allow the direct participation of victims as **Civil Parties** - providing them the right of cross-examination alongside the prosecution.

Despite criticism of what has been **described** by former ECCC prosecutor Christopher Hale as "the most complex international criminal trial since Nuremburg", some say the tribunal's efforts so far are better than no effort at all.

Whatever happens to the two octogenarians still on trial, Rutgers professor Hinton said the court has gathered "an enormous amount of evidentiary material that will inform research for years to come".

But, Hinton added, judgement for the last two defendants needs to come down.

"If this doesn't happen, the international community will have to shoulder much of the blame, particularly for the 30-year delay for justice."

The New Age Online

Friday, 18 April 2013

Analysis: Is it now time for TRC II?

Yacoob Abba Omar

Mahmood Mamdani certainly set the cat among the TRC pigeons when, speaking at the Mapungubwe Institute's annual lecture, he claimed that the TRC merely went through an exercise when the real deal had been settled at Codesa.

For South Africans who believe deep in their hearts that we have the best rugby team, the best cricket team, even the best soccer team (if only), to hear that ours was not the best model of settling age-old conflicts it was a rude awakening. Are we not the Rainbow Nation born out of a miracle process?

The professor and director of the Makerere Institute of Social Research was locating the TRC in the context of developments in transitional justice since the Nuremburg and Tokyo trials at the end of the Second World War, right up to the current attempts in the form of the International Criminal Court as well as national attempts such as in the aftermath of the Rwandan genocide.

He distinguished between "victors justice", which the Nuremburg trials are the prime example of, and "survivors' justice", which the South African case is an example of. In the former, perpetrators of gross violations of human rights are seen as criminals and persecuted as such. In this way the ICC is following in the traditions of the Nuremburg trials.

Mamdani argued that such an approach excludes the possibility of a new political order by putting only the losers on trial. Thus crimes against humanity committed by the Allied forces were never accounted for.

In the South African case, he said: "The real exchange took place before the TRC was set up, in the negotiations known as Codesa. It was not an exchange for truth, but amnesty for political reform, that reform being the dismantling of juridical and political apartheid."

Our case is similar to that of a number of other attempts at resolving conflicts in Africa where the conflict had not actually ended but there was a recognition of the need for resolution. Hence he argues: "If South Africa is a model for solving intractable conflicts, it is an argument for moving from the best to the second best alternative."

This avoids criminalising either side and seeks to treat each other as political adversaries.

Mamdani suggests that political justice under Codesa came at the expense of criminal and social justice. It represented a paradigmatic shift from victors' justice to survivors' justice for all – victims, perpetrators and bystanders such as the business sector.

The African Union's Panel of the Wise released a report in January titled Peace, Justice and Reconciliation in Africa where it says: "South African transition is sui generis in the annals of transitions from repressive to democratic regimes."

It said it provided "a vivid example of the public role that a truth commission can play in reconciliation."

Like Mamdani it also points out that “the price for peace and democracy was amnesty, a compromise to balance the political realities with the desire to uncover crimes committed and hold to account those who ordered these crimes”.

It points out, as many South Africans have admitted, that the TRC process failed to address the socioeconomic effects of apartheid and its inability to facilitate individual reconciliations.

Sitting through the Mamdani lecture and poring through the report of the AU Panel of the Wise, I have been asking myself is it time for the second phase of the TRC? One which addresses the defects such as individual reconciliations and a review of the compensation families of victims have received? I believe that the core result of such a process would be a better-healed nation, where we don't walk around with the feeling that those who served apartheid have not only got away with it, but continue to thrive in the new South Africa.

As South Africans, we can learn from the continent's past 15 years' experiences. For example the Rwandans have engaged in the gacaca, a dispute resolution mechanism used in precolonial times to adjudicate communal disputes where respected community figures serve as “judges”.

Sierra Leone's Truth and Reconciliation Committee has been lauded by the AU Panel of the Wise report for setting several precedents and groundbreaking achievements. This included giving special attention to the abuse of women and children during the conflict. It also looked at the involvement of corporates in the blood diamond trade. Victims and perpetrators were involved in nationwide reconciliation ceremonies involving chiefdoms who organised activities according to their local needs.

The Special Court for Sierra Leone was the first international tribunal to sit in the country where crimes were executed and its judgments have contributed to international criminal law.

These included the first sentence in history for the use of child soldiers, of “forced marriage” and the first conviction for attacking peacekeepers as a war crime.

Argentina and Chile have been known to address the atrocities committed under military dictators decades after the actual crimes. Ghana is thus not alone in having addressed wrongs of the past a decade after military rule ended in 1992. Its National Reconciliation Commission set up in 2002 investigated the period 1966 to 1992. It has been widely commended for having got around the 1992 constitutional proviso that absolved military personnel from any judicial action and laid bare the atrocities committed. By 2008 it had paid out \$1m (R9.15m) to victims of human rights violations.

As I watch in horror the shenanigans around the Wouter Basson trial unfold, I wonder whether we need a second bite at more relentlessly persecuting the worst perpetrators. One of the arguments against this is that so much water has passed under the bridge. The reality is that there is much of our past which still needs to be confronted, so much suspicion of people who may have been part of the apartheid system which remain unresolved, so many families and communities still carrying so many wounds.

As Evita Bezuidenhout once wisely noted: “Skatties, our future looks bright and prosperous; it's only our past that continues being tumultuous.”

Abba Omar is director of operations at the Mapungubwe Institute and can be contacted on abbao@mistra.org