

**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:**

Wednesday, 25 November 2009

Press clips are produced Monday through Friday.  
Any omission, comment or suggestion, please contact  
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## The Exclusive

Wednesday, 25 November 2009

# "My Fighters Only Went To Guinea On Hot Pursuit Missions"

**Taylor Says**  
The trial for former  
Liberian president

Charles Taylor took an early adjournment today when immediately after the mid-morning break, one of the

judges reportedly fell ill. Prior to the court's adjournment, the accused former  
*Continued page 10*

## My Fighters Only Went To Guinea On Hot

*From front page*

Liberian president denied allegations that he sent his rebel fighters to attack neighbouring Guinea, saying that he gave approval to "hot pursuit missions" which entered into the neighboring country.

When the trial resumed today after the court's mid-morning break, Presiding Judge, Justice Richard Lussick informed all the parties that the court will take an early adjournment because one of the three judges, Justice Julia Sebutinde had fallen ill. Since it is important that Justice Sebutinde hears all the evidence in the trial, the other two judges would not proceed in her absence, Justice Lussick said. The court adjourned for the day.

Prior to the court's adjournment, lead prosecutor Ms. Brenda Hollis accused Mr. Taylor of sending rebel fighters to Guinea in 2001, with an aim of destabilising the country. The attack on Guinea, which according to Ms. Hollis, was code named "Operation Take No Sides," was led by National Patriotic Front of Liberia (NPFL) commander Mark Guan. Mr. Taylor denied Ms. Hollis' assertion.

"I know Mark Guan but I do not know of any operation of that name," Mr. Taylor said.

Mr. Taylor admitted that he approved "hot pursuit missions" into Guinea but denied sending fighters to attack the country.

"There were operations that crossed into Guinea but they were hot pursuit operations and I personally ordered those operations," Mr. Taylor told the court today.

Mr. Taylor has consistently accused former Guinean president Lansana Conte (Late) of supporting Liberians United for Reconciliation and Democracy (LURD) rebels who were threatening to unseat his government in Liberia. Prosecution witnesses have testified that Mr. Taylor used this as justification to send rebel forces, including Sierra Leone's Revolutionary United Front (RUF) rebels to attack Guinea. Mr. Taylor has denied giving any orders to

rebels to attack Guinea.

In response to allegations by Ms. Hollis that based on Mr. Taylor's orders, RUF rebels joined NPFL rebels in 2001 to attack Guinea, the former Liberian president said that "was not to my knowledge."

"I am aware of hot pursuit missions in Guinea. These were standing orders approved by me. There are no operations planned but only of hot pursuit," he added.

Mr. Taylor also today denied allegations that his subordinates in Liberia killed civilians during the country's conflict as well as when he became president of the country. According to Ms. Hollis, in November 1994, NPFL rebels killed over 100 civilians in Bong County. Ms. Hollis further alleged that after the United Liberation Movement of Liberia for Democracy (ULIMO) attack on the NPFL headquarters in Gbangha, NPFL rebels killed civilians who were alleged to be ULIMO supporters. Mr. Taylor denied these allegations, insisting that if he knew of any NPFL rebels killing civilians, they would have been prosecuted.

"Not to my knowledge. I can't say it did not happen but if someone did, he would have been prosecuted by the NPFL courts. The NPFL was the only organization in Africa and Liberia that had courts," the former president said.

Ms. Hollis also pointed to allegations that NPFL commander Mark Guan killed 9 civilians in 1998, that in March 2001, 14 civilians were killed by Momoh Jibba, that in July 2000, 170 people were killed at Tubmanburg on orders of Mr. Taylor's Director of Special Security Service (SSS) Benjamin Yeaten, and that in July 2003, over 70 wounded combatants were massacred on Mr. Yeaten's orders. Mr. Taylor dismissed these allegations as "totally incorrect."

Ms. Hollis suggested to Mr. Taylor that his "subordinates" in Sierra Leone understood how Mr. Taylor conducted himself in Liberia and so they saw no reason not to commit the same atrocities in Sierra Leone.



## ot Pursuit Missions

"Sierra Leonean perpetrators understood that was the way you conducted yourself in Liberia," Ms. Hollis told Mr. Taylor.

"I disagree with that interpretation. No NPFL of mine went to Sierra Leone. Liberians went there but not anyone did i send there except in 1991-92," Mr. Taylor responded.

Mr. Taylor is alleged to have had control over NPFL rebels in Liberia as well as RUF rebels in Sierra Leone. According to prosecutors, Mr. Taylor was in a superior position over RUF rebels and he knew or had reason to know that they were committing atrocities in Sierra Leone but failed to prevent the commission of those atrocities or failed to punish them when he knew that such atrocities had been committed. He is accused of bearing the greatest responsibility for the crimes commit-

ted by the RUF rebels in Sierra Leone.

Prosecutors put it to the former Liberian president today that because the RUF saw how his NPFL rebels conducted themselves in Liberia, the commission of "crimes in Sierra Leone was a continuation of business as usual."

"The whole of Liberia will tell you that Mr. Taylor did not tolerate crimes. That's nonsense," Mr. Taylor said. "Prosecutions were just a cover," Ms. Hollis told Mr. Taylor when the accused former president insisted that he ensured that all perpetrators in the NPFL were prosecuted and punished.

"You cannot have it both ways," Mr. Taylor responded. "On the one had, Taylor encouraged impunity by not punishing for crimes, and when he did, it was a cover up. You can't have it both ways," he added.

Also read this story on  
[www.exclusivepress.net](http://www.exclusivepress.net)

# Taylor Trial Judge Falls Sick

**C**harles Taylor's cross examination came to an abrupt end on Monday, after one of the three judges fell ill.

**By John Kollie**

*But before the sudden sickness of Justice Julia Sebutinde, lead prosecutor Brenda Hollis questioned Taylor on alleged killings by the National Patriotic Front child soldiers and the murder of 13 officers of the Armed Forces of Liberia who led fellow soldiers on the streets for pay in 1998. Justice Julia Sebutinde made it to court, but she did*

not return after the 11:30-noon break.

Presiding Judge Richard Lussick announced the adjournment, pointing out the importance of Justice Sebutinde hearing every piece of the evidence.

Miss Hollis, joined by defence lawyer Morris Anyah, wished the sick Ugandan Judge speedy

recovery.

However, before Judge Sebutinde left court, lead prosecuting Attorney, Brenda Hollis had time to ask Taylor about a string of alleged NPFL and Taylor government atrocities.

Taylor return to the witness box on Tuesday to answer more questions from Brenda Hollis as part of the legal process to test the truthfulness of previous evidence Taylor gave.



# SPECIAL COURT RETAINS ZAIN TROPHY

*BY MOHAMED KONNEH*

**S**pecial Court for Sierra Leone, on Saturday retained the Zain Corporate Gala trophy at the St. Edwards playing field Kingtom, Freetown. The law boys defeated the peace keepers by a lone goal, winning the title for a third time in a row. Special court took the lead in the first half after some superb display in midfield. Kelfala's low drive put them ahead in the 25th minute after the UNIPSIL defenders failed to clear their goal line.

The much fancied UNIPSIL came back very strong but could not make headway as the hard rock

defence of the law boys was too difficult to break.

This is the Court's third time in taking home the prestigious Zain Corporate Gala trophy. The Union Trust Bank emerged third defeating the US Embassy by 4-1. The match between UTB and US Embassy was another fine encounter with a fine display from the bankers.

By the end of first half, the match was almost over as UTB was three goals up. The US Embassy came back strong and in the first minute reduced the deficit by one goal. But this was enough as the bankers gave them no chance. The match

was all wrapped up with another flick by striker Abdul that extended the tally to 4.

This year's tournament has been described as the best with a very fine display of football by corporate houses. At the end of the day certificates were distributed along with trophies. A mini carnival was hosted for all participating teams in a bid to interact with Zain officials. The annual tournament is now a household name among business houses in the country. It was all jubilations at the end of the day with all the teams having fun courtesy of Zain sierra leone.



# ICC To Promote Global Support for Court

With an aim to use its 110 strong membership at its annual gathering to confront critics, and strengthen international justice, the International Criminal Court says it wants to make the world more aware about the ICC and accept it. In a statement, Human Rights Watch said ICC member countries should use their annual meeting to strengthen international support for the court's mission and independence. This came against the background that the ICC Assembly of States Parties, which oversees court administration, started meeting in The Hague for nine days beginning Wednesday November 18, 2009. This year, the ICC has made important progress, including the start of its first trial, said Human Rights Watch. Despite this progress, HRW also observes that the court faces significant challenges, including outstanding arrest warrants in three of the four countries in which it has investigations and efforts to undermine the court by allies of President Omar al-Bashir of Sudan, who is being sought for crimes against humanity in Darfur. "The ICC has made mistakes that need to be tackled," said Elizabeth Evenson, counsel in the International Justice Program at Human Rights Watch. "But the ICC's 110 member countries should step up their efforts to uphold its critical role as a court of last resort and to respond vigorously to the court's unprincipled opponents." Many ICC members, including African members, are working to reaffirm their commitment to international justice. For example, at least two African ICC members - South Africa and Botswana - rejected an African Union decision in July to withhold cooperation to arrest President al-Bashir. Human Rights Watch called on ICC members to use the annual meeting to speak out forcefully on the ICC's crucial function and to encourage the court to strengthen its own public information activities. ICC members will also gather next May in Kampala, Uganda for a review conference mandated by the Rome Statute, which created the court and entered into force in 2002. At the meeting, member countries will take stock of the state of international criminal justice and consider amendments to the Rome Statute. Extending the reach of international justice and assessing its impact on communities affected by crimes within the ICC's jurisdiction are among the topics states should address at that conference, Human Rights Watch said. "Taking stock of the achievements and shortcomings of international justice at the review conference will help to identify and meet challenges in the years ahead," Evenson said. "ICC member countries should ensure that careful preparation for the review conference is made now to deliver results in Kampala." Increased international cooperation is essential to the success of the court, Human Rights Watch said. ICC member countries should bolster these efforts by creating a permanent working group to address such issues as concluding witness relocation and sentence enforcement agreements. In reviewing the court's annual budget at the meeting, member countries should ensure that the court has the resources it needs in The Hague and through its presence in countries where it is conducting investigations, as well as in key capitals including New York and Addis Ababa. The ICC prosecutor recently announced he would seek authorization to open a fifth ICC investigation, in Kenya. "Increasing ICC activities and fulfilling higher expectations of justice mean that governments will need to continue to invest in the court," said Evenson. In a memorandum sent to governments last week, Human Rights Watch called attention to a number of other issues likely to be under discussion during the meeting. These include the need to set a policy for court-paid family visits for indigent ICC detainees, make certain that two judges to be elected during the meeting are the most highly qualified candidates, and prepare to elect the next ICC prosecutor. Human Rights Watch also reiterated the need for court officials to continue to make progress in building an effective, fair, and credible institution. The International Criminal Court is the world's first permanent court mandated to bring to justice perpetrators of war crimes, crimes against humanity, and genocide when national courts are unable or unwilling to do so. The ICC prosecutor has opened investigations in the Democratic Republic of Congo, northern Uganda, the Darfur region of Sudan, and the Central African Republic. Based on those investigations, 13 arrest warrants and one summons to appear have been issued. The ICC prosecutor also is looking at a number of other situations in countries around the world. These include Kenya, Colombia, Georgia, Cote d'Ivoire, Afghanistan, and Guinea. The Palestinian National Authority has also petitioned the ICC prosecutor to accept jurisdiction over crimes committed in Gaza. To date, four individuals are in ICC custody in The Hague. A fifth individual, Bahr Idriss Abu Garda - who is charged with war crimes in connection with an attack on African Union peacekeepers in Darfur - has appeared voluntarily during pre-trial proceedings. The court began its first trial, of the Congolese militia leader Thomas Lubanga Dyilo, on January 26, and completed pre-trial proceedings in two additional cases. The court's second trial, against the Congolese rebel leaders Germain Katanga and Mathieu Ngudjolo Chui, is expected to start on November 24. In addition to President al-Bashir and two other individuals in the Darfur situation, arrest warrants remain outstanding for leaders of the Lord's Resistance Army in northern Uganda and for Bosco Ntaganda, a former rebel commander now integrated into the Congolese national army. The Assembly of States Parties was created by the Rome Statute to provide management oversight of the administration of the court. It consists of representatives of each state member and is required to meet at least once a year but can meet more often as required. The ICC's jurisdiction may be triggered in one of three ways. States parties or the UN Security Council can refer a situation (meaning a specific set of events) to the ICC prosecutor, or the ICC prosecutor can seek on his own motion the authorization of a pre-trial chamber of ICC judges to open an investigation. The Rome Statute mandates that seven years after the treaty enters into force, the UN secretary-general is to convene a review conference to consider any amendments to the treaty. At its seventh Assembly of States Parties, in 2008, ICC members agreed to hold the conference in Kampala. It is scheduled to begin on May 31, 2010.

**Source: Human Right Watch**

Charlestaylortrial.org

Tuesday, 24 November 2009

### **Court Adjourned For A Second Day**

By Alpha Sesay

The trial of former Liberian president Charles Taylor was adjourned for a second day in a row today as lead prosecution counsel Ms. Brenda Hollis was not in court to continue the cross-examination of Mr. Taylor. The proceedings could therefore not continue in her absence. Justice Julia Sebutinde, who fell ill and for whose absence proceedings were adjourned yesterday also could not recover from her illness and was absent in court today.

The cross-examination of Mr. Taylor continues tomorrow.



## UNMIL Public Information Office Media Summary 24 November 2009

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

### International Clips on Liberia

#### **Court Takes Early Adjournment Due To Illness Of Trial Chamber Judge; Taylor Says His Fighters Only Went To Guinea On Hot Pursuit Missions**

Nov 24, 2009 (CharlesTaylorTrial.org/All Africa Global Media via COMTEX) -- The trial for former Liberian president Charles Taylor took an early adjournment today when immediately after the mid-morning break, one of the judges reportedly fell ill. Prior to the court's adjournment, the accused former Liberian president denied allegations that he sent his rebel fighters to attack neighbouring Guinea, saying that he gave approval to "hot pursuit missions" which entered into the neighboring country. When the trial resumed today after the court's mid-morning break, Presiding Judge, Justice Richard Lussick informed all the parties that the court will take an early adjournment because one of the three judges, Justice Julia Sebutinde had fallen ill. Since it is important that Justice Sebutinde hears all the evidence in the trial, the other two judges would not proceed in her absence, Justice Lussick said. The court adjourned for the day. Prior to the court's adjournment, lead prosecutor Ms. Brenda Hollis accused Mr. Taylor of sending rebel fighters to Guinea in 2001, with an aim of destabilising the country. The attack on Guinea, which according to Ms. Hollis, was code named "Operation Take No Sides," was led by National Patriotic Front of Liberia (NPFL) commander Mark Guan. Mr. Taylor denied Ms. Hollis' assertion.

### International Clips on West Africa

#### **Cote d'Ivoire**

#### **Ivory Coast: ravens did not die from high path AI**

Vetsweb.com 24 November 2009 ---In October, the ag authorities of Ivory coast reported that thirty wild white-necked ravens were found dead on a secondary school ground in Abidjan. Nine birds tested positive on the highly pathogenic avian influenza virus H5N1. However, tests conducted by the OIE reference lab in Padova do not confirm H5N1 infection. The results obtained by the OIE Reference Laboratory in Padova were negative for avian influenza by RT-PCR, virus isolation in embryonated eggs, sequencing, intravenous pathogenicity index test and hemagglutination inhibition test. Further tests were carried out by the same laboratory for Newcastle disease and West Nile fever and they were negative. Concerning the ravens that died in Abidjan, some people revealed that they had spread a toxic product, mainly Gambaril, which could be the origin of the deaths reported. However, toxicological tests gave negative results.

#### **Immigrant jailed for escape**

Timesof Malta.Com, Tuesday, 24th November 2009...An illegal immigrant was yesterday jailed for six months after he admitted to escaping from the Safi detention centre in September. The 22-year-old, Debrille Sesa, who is from the Ivory Coast, was only found two days ago by the police after going missing two months ago. Magistrate Anthony Vella explained to Mr Sesa through an interpreter that the minimum he could be jailed for was six months, to which Mr Sesa said that he would rather be deported. The magistrate said there was no choice and that an effective jail term would be handed

down if he were to plead guilty. The court also informed him that a six-month jail term would translate into a four-month term for good behaviour. Mr Sesa pleaded guilty to the charge of escaping.

### **Local Media – Newspaper**

*No newspaper appeared on the newsstand today due to a public holiday in Montserrado County (The holiday was declared by President Sirleaf for the Montserrado County By-election run-off)*

**Local Media – Star Radio** *(culled from website today at 09:00 am)*

#### **Voting Underway in Crucial Senatorial Run-off election**

- Voting has begun in the crucial Senatorial run-off by-election in Montserrado County but with a very low turnout.
- Polling centres opened at eight O'clock this morning and would close around six this evening.
- The run-off by-election is between the candidates of the ruling Unity Party candidate, Clemenceau Urey and Geraldine Doe-Sherriff of the opposition Congress for Democratic Change.
- Over 400,000 voters are to cast their ballots in the run-off by-election which became necessary after the conduct of the first round with none of the initial 10 candidates obtaining the required fifty percent plus one vote.
- The Montserrado junior Senatorial seat was left vacant by the death of Senator Hannah Brent of the opposition CDC.
- Provisional results are to be announced by the National Elections Commission on Wednesday, November 25th.
- On Monday, President Sirleaf called for political maturity and tolerance among supporters of the UP and CDC.
- The President also urged business houses and NGO's to observe the holiday proclaimed for the Senatorial run-off by-election.
- Meanwhile, the ongoing yellow fever vaccination campaign taking place across the country has seemingly overshadowed the polls in Montserrado County as there are visibly longer queues at designated vaccination sites as oppose to polling places.

*(Also reported on Radio Veritas, Sky F.M., Truth F.M. and ELBC)*

#### **National Hajj Committee Reports Criminal Syndicate in Muslim Community**

- The National Hajj Committee of Liberia has reported a major criminal syndicate within the Muslim Community.
- In an interview, an official of the said the criminal syndicate relates to the distribution of plane tickets meant for Liberian Muslims to travel to Mecca.
- Representative Malian Jaleibah said some unscrupulous persons allegedly sold plane tickets to non-Liberian Muslims alleging that members of the current Legislature are part of the scam executed in collaboration with Zadom Sheriff a Liberian based in Dubai.
- Her statement comes barely a day after twenty-two Liberian Muslims who travelled to Saudi Arabia for this Year's Hajj were deported due to the lack of proper documents.

### **Veritas** *(News monitored today at 9:45 am)*

#### **Public Works Minister Inspect Several Projects in Five Counties**

- Public Works Minister, Samuel Kofi Woods has inspected several rehabilitated roads and bridges currently under construction in five counties.
- The five counties include Montserrado, Margibi, Grand Bassa, Bong and Grand Cape Mount Counties.
- In Montserrado County, Minister Woods inspected the Bailey bridge which connects Careysburg and Bensonville.
- The Minister also toured the Nyaforla town bridge connecting Margibi and Bong counties where he stresses the acceleration of the bridge project.

#### **Criminal Court "B" Grants Defense Lawyers Request for Copy of Autopsy Reports**

- Criminal Court "B" yesterday granted defense lawyers request for the state to provide a copy of the first and second investigative reports in the death of little Angel Meideh Togbah in November 2007.
- The Liberian Government conducted the investigation and the autopsies.



- The court granted the defense request at the start of Monday's pre-trial conference.
- The Liberian Government conducted two autopsies in the little Angel's murder case indicting her Guardians, Hans Williams and his Fiancée, Mardea Paykue as perpetrators of the alleged murder.

*(Also reported on Radio Veritas, Sky F.M. and Truth F.M. )*

### **Yellow Fever Vaccination Campaign Underway In the Country**

- The Ministry of Health says it is targeting over three million people across for the yellow fever vaccination campaign across the country.
- Health authorities say the campaign which started yesterday is taking place simultaneously in Liberia, Sierra Leone and Benin.
- Although, the Ministry of Health says the process got off to a smooth start yesterday, there are reports that the vaccination campaign faced several hitches in Central Liberia ranging from low turn out to the lack of designated site to administer the vaccine.

*(Also reported on Star Radio, Radio Veritas, Sky F.M. and Truth F.M. )*

### **Truth F.M.** *(News monitored today at 10:00 am)*

#### **Ministry of Justice Nullifies LPRC-ZAKHEM Contract**

- The Ministry of Justice has declared the controversial LPRC-ZAKHEM contract as invalid.
- Justice Ministry authorities say the process leading to the signing of the contract did not meet the requirement of the Liberian law.

#### **Ministry of Gender Launches 16-day of Activism against Gender Based Violence Tomorrow**

- The Ministry of Gender and Development will tomorrow launch 16 Days of Activism against Gender Violence.
- The national theme for this year's campaign is "Men as agent of change in ending violence against women".

### **E.L.B.C.** *(News monitored today at 12:00 noon)*

#### **Labour Ministry Constitute Managing Team for Troubled Guthrie Rubber Plantation**

- Labour Minister, Taiwon Gongloe has constituted an interim management team to advise Government on how to resolve the issue of severance pay for workers of the Guthrie Rubber Plantation.
- A Ministry of Labour release said the team will also do an analysis of employment record top place workers in proper categories.

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## Voice of America

Tuesday, 24 November 2009

### Rebel Leaders Plead Not Guilty In Congo Massacre Trial

Lisa Bryant



Photo: AP

*Mathieu Ngudjolo at his trial at the International Criminal Court in The Hague, 24 Nov 2009*

Two Congolese rebel leaders pleaded not guilty at the start of a trial at the International Criminal Court in The Hague. Germain Katanga and Mathieu Ngudjolo are charged with war crimes and crimes against humanity.

Prosecutors at the International Criminal Court accuse Germain Katanga and Mathieu Ngudjolo of leading child soldiers and older fighters in a bloody attack on a village in the Democratic Republic of Congo's Ituri Province in 2003. Many victims were hacked to death with machetes in an assault that left about 200 people dead. Women were allegedly raped and sexually enslaved.

Those charges were read out in French at the trial's opening in The Hague.

"...24 February 2003 Germain Katanga and Mathieu Ngudjolo, jointly committed through other persons war crimes within the meaning of Article 82B and Article 253A, namely the sexual enslavement of civilian female residents or civilian women."

The defendants responded:

"I continue to plead not guilty," said Katanga.

"Mr. Judge, I plead not guilty," said Ngudjolo.

Both pleaded not guilty

The trial is only the second held at the ICC to date. The first began earlier this year targeting another alleged Congolese warlord - Thomas Lubanga - who is charged with recruiting child soldiers.

This case is more complicated, as it involves two defendants. Lawyers from nearly 350 victims are also taking part in the trial. Human Rights Watch lawyer Param-Preet Singh, who has been following the case, says it marks an important accomplishment for the new court - and for Congo.

"Just generally, you look at Congo where impunity has reigned supreme for so long and finally you have a measure of justice for victims," said Param-Preet Singh. "So I think that's the primary reason why this case is so important. For the 350 who are participating in the proceedings but also for victims across Ituri and across Congo who can see that justice is being done."

Singh praises the Congolese government for cooperating with the ICC. Still, she says, more important



figures accused of war crimes must be brought to justice.

"Because these warlords - like Thomas Lubanga, like Mathew Ngudjolo, like Germain Katanga - they're important people to hold to account but they didn't act alone," he said. "There were people higher up, more powerful than them, who supported and armed them and helped strategize in carrying out the crimes they are accused of."

In particular, Singh cites another alleged Congolese warlord, Bosco Ntaganda, who remains at large.

# The Sydney Morning Herald

Wednesday, 25 November 2009

## **Killing fields trial has little meaning today**

ZOE DANIEL

The wizened Comrade Duch has become the face of the Khmer Rouge trials. Known as the Extraordinary Chambers in the Courts of Cambodia, the clunky, UN-backed tribunal will wind up its first case this week with final arguments against Duch, otherwise known as Kaing Guek Eav. To a degree, Duch, 66, is the fall guy for the Khmer Rouge regime that's been held responsible for the deaths of about 2 million Cambodians in the late 1970s.

He was the head of the so-called death camp — s21, a former high school that became a prison where more than 14,000 people were held, tortured and exterminated for being enemies of the communist regime.

The court has heard horrendous tales of crimes against humanity; babies being bashed to death on tree trunks, women being raped, men having their fingers and toes cut off, their bodies stretched, their heads dipped into drums of water until they drowned, and worse.

But Duch was a mere mid-level leader of the Khmer Rouge. He has apologised for ordering mass murder and torture, but he argues that if he hadn't done it, he would have been killed himself.

Sitting as it does in the centre of Cambodia's capital, Phnom Penh, s21, otherwise known as Tuol Sleng, has become a shrine to those killed under the extreme form of communism preached by the Khmer Rouge. The shabby complex is still in a relatively similar state to the days when the regime was ousted in 1979.

Steel beds rigged with shackles and instruments of pain remain in place, blood stains the floors and thousands of foreign tourists stare in horror at thousands more bleak mug shots of the men, women and children who entered but never left.

For that reason, a decisive verdict against Duch when the finding is delivered early next year would resonate internationally. The UN and the international donors who have spent hundreds of millions running the court say it's time for justice, and in Duch they have the perfect vehicle. If he's found guilty and sentenced to life in prison, photographs of him and the horrors of S21 will flood the world. The UN, which supported the Khmer Rouge killing machine at the time, will feel better.

The international community, which also gave the regime some backing, will be somewhat cleansed. The existence of the court will be justified – in part. But in most ordinary households around Cambodia, the completion of the Duch case will be barely noticed.

For starters, he's the most junior of the five Khmer Rouge leaders who have been charged by the court. Everyone knows that he wasn't the one pulling the strings of power that strangled, electrocuted, bashed and starved millions to death. Pol Pot, the leader, is dead. His key underlings who have been charged by the court, are aged, ailing and may not live through their trials. Five further suspects being targeted by the court may also never be tried due to a combination of local politics and lack of funds.

Cambodia's Government, which is stacked with former Khmer Rouge operatives, wants the population to forget the past. Prime Minister Hun Sen has strongly and publicly opposed any further prosecutions,



arguing that the court is about appeasing international guilt rather than national healing. With the majority of Cambodians under 30 years old, that view holds a grain of truth.

For them, the past is akin to a horror story because most weren't even born when the regime was in power. It would barely be believable, except for the fact that everyone is missing relatives, and in many cases, entire family trees have been wiped out.

It can be argued that the mere existence of the court as a forum for the telling of stories and as a tool in the search for truth is worthwhile. That in itself is a key part of any process of national healing. But unlike similar approaches used elsewhere – such as South Africa's Truth and Reconciliation Commission, which was a cathartic way of dealing with national pain – many Cambodians don't feel the need to be healed, because they're so young that they simply weren't here.

The court's recent announcement that it would pursue further cases has already been shot down by the increasingly hardline Cambodian Government, which has shown a propensity for prosecuting its critics. It also argues that dredging up the past could lead to civil war.

So, much of the pressure for further prosecutions is coming not from inside Cambodia — but from outside.

During its closing arguments, the defence will argue that like Hitler's offside Albert Speer, who avoided the death penalty after admitting his guilt during the Nuremberg trials, Comrade Duch should avoid life in prison because he's said sorry and helped foster reconciliation.

He claims that he's used his later years to seek redemption. He's co-operated with the court, and has asked the families of his victims for forgiveness. He's the only one of those charged so far to admit his guilt. But successfully prosecuting another case will be fraught for the court, which has been dogged by accusations of corruption and has spent 10 years and hundreds of million of dollars just to get to the end of this first trial.

This verdict may end up being its only chance to justify its existence.

Zoe Daniel is an ABC journalist who is on leave and living in Cambodia.

Source: [theage.com.au](http://theage.com.au)

## Agence France Presse

Wednesday, 25 November 2009

### **Khmer Rouge jail chief set to address court**

The Khmer Rouge prison chief was to give his concluding remarks on Wednesday in final arguments at Cambodia's war crimes court, nearing justice for the "Killing Fields" atrocities three decades ago.

Photo released by the Extraordinary Chamber in the Courts of Cambodia (ECCC) shows former Khmer Rouge prison chief Kaing Guek Eav -- also known as Duch. Prosecutors have called for Duch to get a lengthy jail term, saying he embodied the ruthless efficiency of the regime behind the "Killing Fields" atrocities.

Kaing Guek Eav -- better known as Duch -- has repeatedly used his trial to apologise for his role in the horrors of the late 1970s hardline communist regime, which killed up to two million people.

"Duch is expected to speak and what we're told is he's expected to speak one or two hours," said court spokesman Lars Olsen.

The prosecution, which will make its own final remarks Wednesday before Duch addresses the court, has indicated it will call on judges to hand him a lengthy sentence.

For Cambodians, the controversial tribunal, established in 2006 after nearly a decade of negotiations between Cambodia and the United Nations, is the last chance to find justice for the Khmer Rouge's crimes during its 1975-1979 rule.

Since his trial began in February, Duch, 67, has publicly asked for forgiveness for overseeing the murders of around 15,000 men, women and children at Tuol Sleng prison, built in a former high school.

He is charged with crimes against humanity, war crimes, torture and premeditated murder, and faces a maximum term of life in prison by the tribunal, which does not have the power to impose the death penalty.

Duch is expected to apologise again Wednesday as his defence bids to lessen his sentence, however prosecution and civil party lawyers have this week rejected his accounts of the past and called for a harsher decision.

After final arguments conclude this week, the verdict is expected early next year.

Hundreds of Cambodians are set to attend the specially built courtroom on the outskirts of Phnom Penh for the hearing on Wednesday, which is due to start at 9:00 am (0200 GMT).

Duch will sit with judges, lawyers and witnesses behind a massive bulletproof screen to prevent possible revenge attacks.

This week's proceedings are being broadcast live by all Cambodian television stations, court officials said.

Tuol Sleng prison was at the heart of the Khmer Rouge security apparatus and thousands of inmates were taken from there during Duch's tenure for execution at nearby Choeung Ek, an orchard now known as the "Killing Fields."

Led by "Brother Number One" Pol Pot, the Khmer Rouge was responsible for one of the worst horrors of the 20th century, wiping out nearly a quarter of the population through starvation, overwork and execution.

Rising to power as a tragic spin-off of the US conflict in Vietnam, the movement emptied Cambodia's cities to take society back to a rural "Year Zero," purging city dwellers, intellectuals and even people who wore glasses.

The Khmer Rouge was ousted by Vietnamese-backed forces in 1979, but continued to fight a civil war until 1998. Pol Pot died in the same year.

Duch has been detained since 1999, when he was found working as a Christian aid worker in the jungle, and was formally arrested by the tribunal in July 2007.

The court has faced controversy over allegations of interference by the government and claims that Cambodian staff paid kickbacks for their jobs.

The joint trial of four other more senior Khmer Rouge leaders is expected to start in 2011.

The court is also investigating whether to open more cases against five other former Khmer Rouge cadres after a dispute between the international and Cambodian co-prosecutors over whether to pursue more suspects.



## The Guardian

Wednesday, 25 November 2009

<http://www.nguardiannews.com/africa/article02>

### **ICC registrar presents outreach report to member states**

By Francis Obinor

THE International Criminal Court (ICC) has presented its Outreach Report 2009 to representatives of States and Non-Governmental Organisations attending the Eighth Session of the Assembly of the States Parties to the Rome Statute in The Hague.

The court's head of the Outreach Unit, Claudia Perdomo, yesterday told The Guardian that the Registrar, Silvana Arbia, informed those present that during the period covered by the report, from October 1, 2008 - October 1, this year, more than 39,665 individuals participated in 365 Outreach activities.

According to her, the use of local radio and television stations was dramatically increased in order to expand the number of people receiving the message of the Court in a most effective way and to support daily Outreach activities.

"It is estimated that nearly 34 million people were regularly informed through the media during the yearly timeframe," she said.

Arbia recalled that the Outreach Programme was established to cultivate a level of awareness and understanding of the court's mandate and activities among the most affected communities of situation and cases before the court.

Currently, the Outreach Programme is active in Uganda, the Democratic Republic of the Congo, the Central African Republic and Darfur (Sudan). The programme promotes access to and understanding of judicial proceedings and fosters realistic expectations about the court's work. This in turn has engendered greater local community participation by addressing their concerns and countering misperceptions.

Building on the experience of the last three years, in the upcoming period, the Outreach Unit will continue to apply participatory and interactive methodologies in all activities, and will prioritise themes agreed upon with beneficiaries of the Outreach Programme.

To facilitate this evolving process, the following four categories have been defined, under which activities and key target populations are grouped, and relevant thematic approaches are identified: the Community Outreach Programme engaging affected communities and civil society organisations; the Legal Outreach Programme engaging legal practitioners; the Academic Outreach Programme engaging schools and universities; and the Media Outreach Programme engaging journalists.

The Registrar concluded that "in all situations, to fulfill the mandate to communicate with affected communities support from States, including national authorities and local civil society organisations, remains crucial. Putting public radio stations and television channels at the court's service would ensure public access to the court's proceedings which is a fundamental element of a fair trial."

Lastly, a video documenting key findings of the Outreach Report in each of the situation related countries was shown. Questions asked by State's delegates attending the meeting, as well as Civil Society representatives, were answered by ICC staff, including the Outreach Co-ordinators who are based in the field, in the situation countries.

Meanwhile, ICC prosecutor has told judges at the international court that two Congolese militia leaders sent child soldiers and other fighters to wipe out a village in a revenge attack that left more than 200 men, women and children dead.

"Some were shot in their sleep, some cut up with machetes to preserve bullets. Others were burned alive after their houses were set on fire," Luis Moreno Ocampo said in his opening statement.

The two alleged commanders, Germain Katanga, 31, and Mathieu Ngudjolo, 39, both pleaded not guilty to three crimes against humanity and seven war crimes, including murder, rape, sexual enslavement and pillage.

It was only the tribunal's second trial since it began operations in 2002. The first case, of alleged Congolese warlord Thomas Lubanga who is accused of recruiting child soldiers, started in January.

Prosecutors say Katanga and Ngudjolo led two mobs of child soldiers and older fighters armed with automatic weapons, machetes and spears to destroy the village of Bogoro in Congo's mineral-rich Ituri Province on February 24, 2003. Many of the victims were hacked to death.

The village was strategically located on a crossroad and was the base of a rival militia known as the UPC.

Ocampo said the attack went far beyond a legitimate military campaign to become revenge for earlier UPC attacks.

"The plan was to wipe out Bogoro," he said. "Destroy not only the UPC camp but the whole village."

Katanga and Ngudjolo both sat impassively as Ocampo outlined his case, accusing their soldiers also of raping women and forcing others into marriage or sexual slavery.

He quoted Katanga as boasting after the attack that "nothing was spared. Absolutely nothing. Chickens, goats, everything ... was wiped out."

Lawyers for some 345 victims - including some of the child soldiers forced to carry out the massacre - are also taking part in the trial.

"Their childhood was brutally interrupted and they have been in hell from one day to the next," said Belgian attorney, Jean-Louis Gilissen, who is representing child soldiers. He said the children were abducted and ordered to fight "as vanguard troops for the butchery of Bogoro."

Another victims' lawyer, Fidel Nsita Luvengika, said establishing the truth will allow his clients to mourn slain family members.

"They don't know what happened to their families. They don't know how they were killed or whether they were buried," he said.

Prosecutors plan to call 26 witnesses to support their case. In an indication of the ongoing climate of fear in Ituri, 21 of them will testify with their identities shielded from the public.

Among other cases at the world's first permanent war crimes court, former Congolese Vice President Jean-Pierre Bemba is in custody and is scheduled to go on trial next year for alleged crimes in the Central African Republic. Sudan's President Omar al-Bashir and two other Sudanese have been charged with atrocities in Darfur. The leaders of brutal Ugandan rebel group the Lord's Resistance Army also are under indictment.

Agence France Presse

Tuesday, 24 November 2009

### **ICC prosecutor set to comment on Kenya violence**

THE HAGUE — The prosecutor of the International Criminal Court will make an announcement this week on Kenya's post-election violence, following his preliminary investigation, his office said on Tuesday.

"The prosecutor of the ICC, Luis Moreno-Ocampo, will hold a press conference ... on Thursday, 26 November," his office said in a media advisory.

"The Prosecutor will make an announcement related to the situation in Kenya," it added, without giving further detail -- weeks after Nairobi insisted on a "local solution".

Moreno-Ocampo has already said he would ask the judges of the ICC by December 1 for permission to launch a full, official investigation into the deadly violence that followed the disputed elections of December 27, 2007.

He has been conducting a preliminary probe since last year.

Some 1,500 people were killed and another 300,000 displaced in a matter of weeks after presidential polls in which opponents accused President Mwai Kibaki of voter fraud.

The prosecutor has stated that he has a strong case against the key instigators of the violence, and that he wants to pursue those "most responsible".

The ICC has already assigned three judges to consider the prosecutor's pending request.

The Kenyan government has yet to act on the recommendation of its own year-old inquiry that a special tribunal be set up.

Earlier this month, Kenyan Foreign Minister Moses Wetangula said that Nairobi will help the ICC to probe election violence, but that it was committed to a "local solution."



The Star.Com

Wednesday, 25 November 2009

<http://www.thestar.com/comment/article/730337>

### **Ignorance is no defence when the subject is torture**

Law puts onus on leaders to make every effort to learn about and prevent war crimes.

One of the greatest obstacles to the rule of law in the realm of domestic or international humanitarian law is the undemocratic but all too frequent use of what is termed "plausible deniability."

We have seen it all too often with domestic scandals involving the abuse of power by government officials and politicians.

However, since the horrors of World War II and the Nuremberg Tribunals, international humanitarian law has taken steps to remove the pillars of plausible deniability for military and civilian leaders regarding involvement either directly or indirectly in war crimes.

In the context of an international or non-international conflict, the transfer of detainees where there is a substantial risk of torture is a most serious war crime under the Geneva Conventions and the Canadian Crimes Against Humanity and War Crimes Act, which is part of the Criminal Code of Canada. The act was also designed to implement the Rome Statute of the International Criminal Court, which codifies much of the Geneva Conventions provisions on war crimes and goes even further than them in certain areas.

Canada is not only a state party to the court, it is universally recognized as being one of the court's main architects and had the honour of seeing a Canadian, Philippe Kirsch, serve as its first president.

The involvement of Canada and NATO allies in the conflict in Afghanistan has been regarded as a non-international conflict, but one still covered by the Geneva Conventions of 1949 and, in particular, Common Article 3, which prohibits torture or complicity in it. This prohibition is also emphasized in the Convention Against Torture, which also legally binds Canada.

Given these formidable legal prohibitions, domestic and international, against any form of complicity in torture and, in particular, transferring detainees to the substantial risk of torture, is a form of plausible deniability still possible?

Could this take the form of a defence minister and a chief of defence staff asserting that, for a period of one year, they had no credible evidence of Canadian-held detainees being transferred to torture or that they had not read credible reports from very senior officials in the field during that time?

These reports detailed not only the substantial risk of torture to transferred detainees, but based it on other credible sources from the UN, the U.S. state department, NATO allies, including their intelligence agencies, and the most credible international human rights organizations in the world.

The answer, therefore, to the legitimacy of the defence that the military and civilian command did not know the facts is emphatically in the negative.

It is worth noting that the jurisprudence of international criminal tribunals reveals that actual knowledge can be gleaned not only from direct evidence, but also from circumstantial evidence, for example by the widespread nature, severity or notoriety of the alleged war crimes.

The jurisprudence from the International Criminal Tribunal for the Former Yugoslavia and, most importantly, a recent decision from the International Criminal Court itself, has ruled that even if it is established that military and civilian commanders did not have actual knowledge, that is no defence to a charge of complicity in a war crime.

The standard that has been established is that persons in command must take all reasonable steps to acquire such knowledge and then to take all further necessary and reasonable steps to prevent the continuation of the war crime or to punish the perpetrators.

If credible reports from a senior officer in the field began to arrive in May of 2006, and if they detailed the substantial risk of torture to hundreds of detainees transferred to notorious Afghan authorities – who were well known by all of Canada's major allies for indulging in torture – would it be possible to not do anything until more than a year later?

Is 18 months a reasonable period for thinking about developing a new transfer agreement with greater monitoring and tracking of detainees who have been transferred? And do we need to take into consideration the fact that this seems to have happened only after a national newspaper published graphic details about Canadian-transferred detainees who were tortured?

It is almost certain that such a long delay, during which hundreds more may have been tortured, would not come anywhere close to the standard of taking all necessary and reasonable steps to prevent the continuation of the war crime.

It is more likely that only stopping the transfers and the immediate insistence for detailed monitoring and tracking of present and future detainees would meet the standards of command responsibility.

In such a situation, it is likely that command responsibility for transferring detainees into an environment where they would face a substantial risk of torture could well be a violation not only of the Canadian Criminal Code, but also a potential breach of the Rome Statute of the International Criminal Court.

However, under the jurisdictional provisions of that court, it is a judicial forum of last resort. State parties under whose jurisdiction alleged serious international crimes are alleged to have been committed have a legal duty to commence an independent investigation and/or prosecution.

Only after the failure to take such jurisdiction can the prosecutor of the court start an independent prosecution. This means that if the above conditions of command responsibility for the transfer of detainees at substantial risk of torture are to be satisfied, Canada has a legal duty under the Rome Statute and possibility under the Canadian Criminal Code to start a judicial inquiry.

Is this what the courage of Richard Colvin has triggered?

***Errol Mendes was a visiting professional at the International Criminal Court at The Hague this year. His book *Peace and Justice at the International Criminal Court, A Court of Last Resort* will be published early next year.***

## The Sudan Tribune

Wednesday, 25 November 2009

### Brazil Supreme Court deliberating on legality of arresting Sudanese president

November 24, 2009 (WASHINGTON) – The Brazilian foreign ministry forwarded to the Supreme Federal Court last July the arrest warrant issued by International Criminal Court (ICC) against Sudanese president Omer Hassan Al-Bashir for review.



Brazil which is a state party to The Hague based court has publicly declared last May through its foreign minister Celso Amorim that the Sudanese president would be arrested immediately by authorities there if he entered Brazilian territory.

Bashir is wanted by the ICC on seven counts of war crimes and crimes against humanity allegedly committed in Sudan's western region of Darfur. He is the first sitting head of state wanted by the court since its inception.

The highest legal authority however, rejected the foreign ministry request of handling the matter "confidentially" saying that the existence of the

arrest warrant for Bashir and request of ICC member states to cooperate has been made public.

Among the issues raised in the 19-page preliminary assessment by the Supreme Court is the prohibition by Brazilian constitution on the imposition of life imprisonment contrary to the Rome Statute provisions on sentencing suspects. It also points to other procedural matters such as concept of extraditing a suspect to versus delivering them and the status of Bashir as a foreign official who would normally enjoy immunity under international law even though it pointed out that the Rome Statute considers that to be irrelevant.

It is not clear whether or not the Brazilian Supreme Court intends to write a full blown analysis on the matter or it would wait until the need arises for a determination to be made. The Chief Justice Celso de Mello said the court will have to decide whether it has jurisdiction to issue findings on any of the legal questions raised in the preliminary assessment.

The Sudanese president skipped the second Africa-South America summit held in Venezuela last September. However, Bashir's plane would have to fly through Brazilian airspace making him theoretically vulnerable for interception and arrest.

Sylvia Steiner, a Brazilian judge at the ICC, was a member of the Pre-Trial Chamber I that decided to issue the arrest warrant for Bashir. In April the Brazilian president Luiz Inacio Lula da Silva refused to sit next to his Sudanese counterpart during a lunch banquet in Arab Gulf state of Qatar.

(ST)