

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



Chinese and Russian law students participating in the ICC Moot Court Competition visited the SCSL on Tuesday.

PRESS CLIPPINGS

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

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Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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UN to arrest arms dealer in Freetown

The United Nations will soon order the arrest of one of the key financiers and middlemen who worked for the Liberian ex-President, Charles Taylor, during the Sierra Leonean civil war. A UN source told Concord Times last night that the world body has received strong indication that Ibrahim Bah, who has been under a United Nations-mandated assets freeze and travel ban since 2003, is currently residing in Freetown. The Sierra Leone government and the police seen not

interested in arresting or expelling a man Interpol and the UN Security Council have been on the hunt for since 2003. Bah used to buy and sell illegal gold and diamonds for the Revolutionary United Front (RUF) rebels and act as liaison for Taylor, while also operating in Burkina Faso and Liberia. See the Interpol-United Nations Security Council Special Notice on Ibrahim Bah on page 7 and the Africa Confidential report on him on page 10.

An arms and gem dealer for the civil war militias lives openly in the capital with apparent government approval and in defiance of UN sanctions

Africa Confidential has discovered the whereabouts of one of the key financiers and middlemen who worked for the Liberian ex-President and convicted war criminal, Charles Taylor, during the Sierra Leonean civil war. Ibrahim Bah, aka General Abraham or Ibrahima Balde, is residing in, travelling from and freely conducting business in Freetown, in spite of being under a United Nations-mandated assets freeze and travel ban since 2003. Bah used to buy and sell illegal gold and diamonds for the Revolutionary United Front (RUF) rebels and act as liaison for Taylor, while also operating in Burkina Faso and Liberia (AC Vol 39 No 5, Freetown fracas, Vol 39 No 10, The Freetown fall-out and Vol 41 No 16, Masters of war).

Bah is active now in gold trading and has worked with politicians and officers in Guinea Bissau who are heavily implicated in drugs smuggling. He is under the protection of Sierra Leonean politicians and the police appear uninterested in expelling him, as Interpol and the UN require. Some elements of the Sierra Leonean security establishment claim Bah has been paying protection money to senior officers and they worry about the potential threat to public order posed by his strong links to a major mercenary force in the country. They are also concerned about the damage to the national image caused by official indifference to the presence of a major figure from the civil war of 1991-2002 (AC's Special Report on Sierra Leone, April 1998).

When the war ended and the UN imposed the sanctions on Bah in 2003, he was in Burkina Faso. When he moved to Freetown in 2008, he was living as 'Ibrahima Balde' and travelling on a Senegalese passport. He openly traded in gold and diamonds through a company called Ninki Group (SL) Limited. Formed shortly after Bah's arrival in Freetown, the company's offices were based at 7 Signal Hill Road, which is close to a key police station, on Congo Cross.

Bah came to Sierra Leone at the invitation of Paul Bangura, we understand, who was then the governing All People's Congress Chairman for Tonkolili District. Newly elected President Ernest Bai Koroma paid an official visit to Burkina in September 2007, one of his first, even though it raised eyebrows in the region because of President Blaise Compaoré's known links to Taylor and support for factions in the civil war. Bah's role in the war was already well known to Sierra Leoneans.

Taylor's go-between

The international public learned much more about Bah's career through the testimony of witnesses to the Special Court for Sierra Leone (AC Vol 50 No 5, See you in court), which heard that as well as buying and selling guns and diamonds in West Africa and Belgium, he acted as go-between when Taylor wanted to establish relations with the Sierra Leonean putschists, the Armed Forces Revolutionary Council, in 1998. He was also described as the RUF's 'financial controller' and arranged for diamonds to go to Burkina and arms shipments to come in the other direction. The SCSL Trial Chamber described Bah as a 'representative' of both the RUF and Taylor. The Sierra Leone Truth and Reconciliation Commission, which documented the history and personalities of the country's worst-ever episode, described him as a 'prominent leader within the AFRC faction'.

Bah now lives in a grand house in one of poshest parts of Freetown: at 31 Herbert Street, Aberdeen Village, on the western arm of the peninsula that forms the harbour, close to Lumley Beach. He had managed to maintain a low profile until he was arrested in April 2012 after a complaint by an Italian businessman, Vittorio Narciso Ruello. He claimed that Bah – whom he knew as Ibrahima Balde – had defrauded him.

Ruello, who has a company called Mil Navi in Mexico and Italy, said Bah had invited him in 2010 to come to Sierra Leone and buy gold and diamonds for profit. Official records confirm that Ruello made two gold shipments in August 2011, one worth about US\$60,000, the other of \$120,000. Yet the relationship soured when, Ruello claimed to his interrogators from the local Transnational Organised Crime Unit (TOCU), that he had given \$220,000 to Bah to buy diamonds but received nothing in return. In total, Ruello says, Bah has \$375,000 of his money. Ruello also said that he knew Balde was really Bah and that he was under UN sanctions. In a statement to the police, Bah claimed he was not defrauding Ruello but suffering from the ups and downs of an uncertain business (see, Not an Honorary Consul).

When TOCU reported the Ruello-Bah affair to the coordinating body, the Office of National Security, the officers were told that nothing was known about Balde but he was certainly not Bah and should be released. This seems to be part of an official decision not to disturb Bah or his business and to ignore UN sanctions.

In subsequent research, we have established that the Sierra Leonean police and immigration officials are not supplied with the Interpol-UN travel ban list, even though it is an openly available public document. We have even heard that another Ibrahima Bah – it is a common name in parts of West Africa – was temporarily detained in Botswana by the immigration authorities on suspicion of being the man under UN sanctions. This means that the individuals most implicated in the civil war can travel with impunity in the area where they caused most devastation. People intercepted while travelling in violation of the travel ban are supposed to be immediately deported.

Bah has a colourful background. He was born in Senegal and joined the armed

forces before arriving in the early 1980s in Libya, where he received special forces training. He then fought with Mujahideen against the Russian army in Afghanistan before ending up back in Libya as a military trainer and bodyguard for the late Colonel Moammar el Gaddafi in Benghazi. It was there, in 1988, that he met Taylor, who had been introduced to the Libyan strongman by President Compaoré (see Burkina Feature, Keeping up with the Compaorés).

Gaddafi had formed a visceral hatred for Liberia's then military ruler, Master Sergeant Samuel Kanyon Doe, and decided to back Taylor's guerrillas against him. Bah was thus familiar with Taylor from the outset of his disastrous career in West African bloodshed, profiteering and war. Bah's value to Taylor was that he liaised with the RUF militia in Sierra Leone and supplied him with the diamonds that he needed to finance his conflict. His Monrovia-based company Greenstone was the main vehicle for this trade.

The Special Court was to have indicted Bah in 2004 for his part in the civil war, after it heard testimony on his central role (see, Testimony on Bah). When the mayhem in Liberia and Sierra Leone finally ended in 2003, though, Bah was in Ouagadougou. It was at this point, however, that the United States Central Intelligence Agency whisked Bah away to the US Embassy in Abidjan, Côte d'Ivoire, for questioning about his links to Gaddafi, Afghanistan and Al Qaida, say several published accounts and our own sources. The USA has strong influence in the SCSL Management Committee, which guides the work of the Court and finances it, and the Committee forbade the prosecutors to indict Bah, according to Court sources.

Bah and the CIA

Writing of West Africa's role in financing for Al Qaida, the US investigative author Douglas Farah claims in his book titled *Blood from Stones* that the CIA paid Bah \$1 mn. for his information. Bah has claimed, say individuals who have spoken to him consulted by AC, that he is still under CIA protection.

Bah does not confine himself to business alone. He maintains his mercenary and paramilitary links as a key figure in a mercenary organisation called the West African Rapid Solution Taskforce, according to a source in Freetown, where it is based. WARST comprises about 850 former combatants from the wars in Sierra Leone and Liberia ready for quick mobilisation, says a source with West African mercenary contacts. The WARST was created in February 2011 to offer its members as mercenaries in Côte d'Ivoire's post-election crisis but the conflict ceased before this could take place. It is led by George Steven ('Jagay'), who fought in Taylor's National Patriotic Front of Liberia and in the RUF.

In May 2011, Bah invited to Sierra Leone a Libyan businessman on a mercenary recruiting mission for the embattled Gaddafi, the sources add. He introduced the man to a senior imam in Freetown, who was acting on behalf of WARST. The mercenary recruitment was foiled by Sierra Leone's Central Intelligence and Security Unit, which may have been tipped off by Western intelligence services supporting 2012's North Atlantic Treaty Organisation operation against Gaddafi. Research in Freetown shows the WARST is still active under Jagay's leadership and has its headquarters in the city centre.

Again, the Sierra Leonean authorities seem unaware of or indifferent to a major potential threat to law and order or to regional stability. WARST's collection of ex-combatants can be mobilised quickly, so long as money is available. Pro-Laurent Gbagbo forces have hired ex-civil war guerrillas to carry out attacks in western Côte d'Ivoire and before the elections in both Sierra Leone and Liberia, there was great concern about the potential threat from demobilised fighters.

The idea that armed groups may be available for hire is worrying many in the area. Under UN rules, sanctioned persons should be deported back to the country they were in when the restrictions came in. As far as AC has been able to ascertain, Sierra Leone is uninterested in acting against Ibrahima Bah or against a mercenary organisation operating in plain sight in its capital.

Not an honorary consul

The Italian businessman who claims to have been cheated by Ibrahima Bah over gold deals, Vittorio Narciso Ruello, made other interesting connections through Bah in the region. In 2010, Ruello claimed to police, he had asked Bah to get the Sierra Leonean authorities, to whom Bah claimed to be very close, to make him the country's honorary consul in Mexico. Bah told him this would be impossible but he was well acquainted with the authorities in Guinea Bissau and for US\$50,000 he could make him consul.

Bah said in his own statement to police that the two men had visited Bissau in late 2010, meeting top politicians and military men, including the late President Malam Bacai Sanhá and other important people, including the former navy chief, Rear Admiral José Américo Bubo Na Tchuto (who was arrested for drugs and arms trafficking on 5 April 2013 in a United States Drug Enforcement Administration operation, AC Vol 54 No 8, Admiral of the white).

Despite the high-level contacts and the money he had paid, Ruello told police in Freetown that he had received nothing in the end. Bah told him that the honorary consul's appointment was not automatic. After the April 2012 coup in Bissau, Bah told Ruello he would have to wait longer. This proved the last straw for Ruello, who went to the Sierra Leonean police to complain about being cheated.

Testimony on Bah

Impunity in Freetown

From Page 10

Transcripts from the Special Court on Sierra Leone's trial of Charles McArthur Ghankay Taylor contain copious evidence about the central role of Ibrahima Bah in diamond trading and arms supply, under the heading 'The Role of Intermediaries'.

'The witness stated that Ibrahima Bah was a liaison with Charles Taylor, and the witness was present in 1999 when Ibrahima Bah, who said he was sent by Mr Taylor, gave \$USD 20,000 to Mr [Foday] Sankoh in Lomé... Prosecution Witness TF 1-567, an RUF [Revolutionary United Front] member, testified that Foday Sankoh said that Ibrahima Bah, from Burkina Faso, was his friend, that Ibrahima Bah was with the NPFL [National Patriotic Front of Liberia], and that he was helping the establishment of the RUF movement as an agent for the RUF. According to the witness, any time 'Jungle' went to see Charles Taylor, Ibrahima Bah would join him, and Sankoh told "us" that he often sent Ibrahima Bah on missions to see Taylor.'

Another witness testified to what the sanguinary RUF leader Issa Hassan Sesay had told him (AC Vol 47 No 8, Taylor's trajectories, Courting disaster & The accused). The witness said that Issa Sesay told him that he gave diamonds to Ibrahima Bah, who said that he had business partners, and Ibrahima Bah provided satellite phones, computers, food, and US\$50,000 for the RUF movement between 1999 and 2001... he testified that he and others went to Hotel Boulevard with diamonds to meet General Ibrahima [Bah] to make arrangements, and Benjamin Yeaten would take Issa Sesay and General Ibrahima to bring the diamonds to Charles Taylor... [AC Vol 43 No 9, UN gumshoes in Taylorland] Ibrahima Bah said that he was sent by Mr Taylor with a message "asking" that the AFRC and RUF work together. He said that Ibrahima Bah was a liaison officer who had been with the RUF. After this meeting, the witness took Ibrahima Bah to Johnny Paul Koroma's house and Ibrahima Bah said again that Mr Taylor sent him with the message that they should work together'.

The records continue: 'The Accused [Charles Taylor] heard that after 1994 and after he became president Bah came to Liberia a few times as a businessman. He testified that Ibrahima Bah "is now fully with Foday Sankoh, based on even evidence before this court" and that he had no reason to doubt that Ibrahima Bah helped Foday Sankoh coordinate RUF affairs outside of Sierra Leone between 1996 and 1999'.

Credit: Africa Confidential 2013

The Canadian Press

Thursday, 30 May 2013

Today in History - May 30

In 2012, judges at an international war crimes court sentenced former Liberian President Charles Taylor to 50 years imprisonment for arming and supporting murderous rebels in Sierra Leone in return for "blood diamonds."

The Star (Kenya)
Thursday, 30 May 2013

Africa has taken itself to the ICC, says Raila

BY IBRAHIM ORUKO

FORMER Prime Minister Raila Odinga has dismissed accusations of racism levelled against the International Criminal Court by the African Union.

Raila described as “hogwash” claims that The Hague court is unfairly targeting African leaders while ignoring war crimes suspects in other parts of the world.

“Members of the ICC joined freely, signed the Rome Statute independently which was ratified by their national Parliaments. None was forced to join,” he said.

The AU on Monday accused the ICC of targeting Africans on the basis of race and called for the termination of criminal proceedings against President Uhuru and Deputy President William Ruto.

The two are accused of crimes against humanity during the 2007-08 post-election violence.

The ICC has denied that it is targeting Africa, saying four out of eight situations under investigation in Africa were referred to the court by the countries themselves.

Yesterday Raila told a group of youth from the main political parties in Zimbabwe, who are on a visit in Kenya, that the AU resolution “missed the point” in its accusations.

He said it was wrong for the African leaders to introduce the element of racism in the matter because others leaders like Jorge Rafael Videla of Argentina and Slobodan Milosevic had been punished through the same system.

Raila challenged African Presidents to take full responsibility for those facing trials at the court.

“All the cases currently pending at the ICC have been taken there by African leaders and their government, not the ICC,” he said.

“Africa has taken itself to the ICC.”

Apart from the Kenyan cases, other trials pending at the court are those of Laurent Gbagbo of Ivory Coast, Pierre Bemba of DR Congo and Bosco Ntaganda of Rwanda.

Former Liberia President Charles Taylor has been convicted, even though his trial was conducted by a Special Tribunal for the Sierra Leone situation.

Raila said Taylor was arrested by the Nigerian government and taken to The Hague.

He said Gbagbo was handed over to the ICC by Alasanne Ouattara, while Bemba was shipped to the ICC by Joseph Kabila’s regime.

“Just recently Paul Kagame placed Ntaganda in the plane and delivered him to the ICC. President Museveni asked the CIA and FBI’s assistance in the search for Joseph Kony for possible prosecution at the ICC,” Raila said.

In the case of Kenya, Raila said “we took ourselves to the ICC” after MPs refused to pass the necessary laws that would have led to a special tribunal established in accordance with the Waki recommendations.

Later in an interview with journalists he refused to be drawn on the merits of the AU resolution or whether the Kenyan courts had the capacity to deal with the cases should ICC allow for a referral.

Raila added that the AU has all the right to lobby for the termination of the cases

Brandeis Now

Wednesday, 29 May 2013

Students learn international court from the inside

Brandeis in The Hague program offers a variety of experiences

Amelia Katan (left) and Haleigh Brockman are interning at the International Criminal Court.

By Richard Gaskins

More Sharing ServicesShareProsecuting accused war criminals turns out to be a difficult job, once you move beyond abstractions and get down to the practical details. As observers in The Hague have come to realize, when international courts intervene in the world's most violent places, they can sometimes be seen as taking sides. With the long-smoldering conflicts in the Balkans, Rwanda, Eastern Congo, Darfur and beyond, these new courts face enormous public relations challenges.



Amelia Katan (left) and Haleigh Brockman are interning at the International Criminal Court.

How international trials work in practice has been the focus of two Brandeis students studying in The Hague this past semester. Both Haleigh Brockman '14 and Amelia Katan '15 are spending April and May as interns at the International Criminal Court (ICC). Along with 11 other students participating in Brandeis in The Hague, Brockman and Katan spent time earlier in the semester visiting the ICC, watching current trials, meeting with ICC court officials and reading about the history of the world's only permanent tribunal for international war crimes.

Now in its fourth year of operation, Brandeis in The Hague has brought more than 70 students to this Dutch city known as "the world capital of peace and justice." In cooperation with Leiden University Law School and the Grotius Centre for International Legal Studies, Brandeis programs immerse students in the search for practical ways to promote justice in a world of violent conflict. The Hague programs were created by the Interdepartmental Programs in Legal Studies and in International and Global Studies, and they include both a spring semester and a separate summer experience.

Although the ICC opened more than a decade ago, the first criminal trials are only now coming to completion, leaving little doubt that international justice can be disappointingly slow, expensive, incomplete, and often frustrating for the victims.

The first ICC trial, involving the use of child soldiers in The Congo, was mired in competing charges that the court was both unfair to the defendant and too timid in failing to prosecute him for other serious crimes of murder, rape and the persecution of many thousands of victims. The second ICC trial ended in an acquittal for another defendant, although under court rules the prosecution can challenge that outcome on appeal. Apart from running actual trials the ICC has had difficulty rounding up key suspects, including the Sudanese President al-Bashir, not to mention the elusive Ugandan warlord Joseph Kony.

The ICC is eager to tell its own story about its origins and broad humanitarian goals. But now that real trials have started, that story cannot be all sunshine and promise. It must also address the many practical problems that arise when the Court levers itself into ongoing armed conflicts. Brockman and Katan are helping the ICC professional staff explore new ways to present the court's message.

Part of the challenge is educational: explaining the court's purpose to many different groups—everyone from the local African victims of crimes being prosecuted in The Hague, to professional lawyers, to student groups still learning the basic elements of human rights. The story is important but so are the images: How to convey the bright ideals of fairness and balance in the midst of devastating violence?

According to Katan, working at the ICC has been an eye-opening experience.

"Walking through the ICC's front doors is simply part of my normal day," she says. "Judges, lawyers, and everyone else intermingle with a variety of languages and backgrounds... It is clear that the ICC is an exceptional and progressive institution which I'm honored to contribute to."

"This internship has given me the opportunity to directly apply everything I have learned about international criminal law this semester. Being able to put theory into practice has been an invaluable learning experience," she says.

Brockman is equally excited and says even the small interactions are meaningful to her.

"Little things here make me happy like scanning my badge at the front door, or standing in the elevator with the vice president of the court," Brockman says. "I believe so much in the mission of the International Criminal Court and I am in awe of the people who work in this institution. The fact that I get to say I was a part of the ICC, even for just a few months, is honestly a dream come true."

While Brockman and Katan have been working at the ICC, the other Brandeis students are completing internships with other tribunals and human rights organizations, working on problems in the Balkans, other Eastern European countries, Lebanon, Kenya, Sierra Leone, the Congo, Mali and Darfur. For these hands-on internships students bring their particular liberal arts backgrounds in politics, anthropology, history, sociology, gender studies, and economics, applying those perspectives to real-world problems.

Richard Gaskins is Proskauer Chair in Law and Social Welfare and academic program director of Brandeis in The Hague.

ECCC

Thursday, 30 May 2013

Kenya's judiciary seeks experiences from ECCC

Mr. Thomas Stevenson

From 27-30 May, the Extraordinary Chambers in the Courts of Cambodia hosted ten delegates from the Kenyan Judicial Service Commission (JSC). Honorable Reverend Dr Samuel Kobia, who led the delegation, explained the JSC's raison d'être on Monday in a meeting attended by members of the local media.



Until recently, Dr Kobia said, Kenya's executive branch hand-picked all judges, from the chief justice down to the magistrates. Since the Judicial Service Commission was established by constitutional amendment in 2010, however, the JSC has held power of appointment. The Commission also manages a "judicial fund," which relieves financial pressures on court personnel. Kenya's current Chief Justice, William Mutunga, has said these moves will bolster judicial independence. In his remarks at the ECCC, Dr Kobia echoed this sentiment and praised Mr Mutunga

as a man capable of delivering "rigorous transformation" of Kenya's justice system.

To guard against bias, JSC members are drawn from diverse backgrounds. The delegation visiting the ECCC includes magistrates, representatives of the court of the Kenyan Supreme Court, the Court of Appeals, the Law Society of Kenya, Kenya's executive branch and a pair of non-lawyers, who represent the Kenyan public.



Honorable Reverend Dr Samuel Kobia (second from the right). Photo: ECCC/Nhet Sok Heng

Purpose of the JSC's visit to the ECCC

On 29 May, I asked Dr Kobia why he brought his delegation to visit the ECCC. He told me the JSC had been tasked by Chief Justice Mutunga with establishing an international crimes division within the high courts of Kenya. Once created, the division would exercise jurisdiction over international and transnational crimes

such as drug trafficking, piracy and cybercrime. Initially, the JSC contemplated a domestic court modeled on the International Criminal Court (ICC). But, after two or three months [of research]," Dr Kobia said, "we realized our task was bigger than expected." Before reforming Kenya's justice system, the JSC decided it would need to draw upon the experiences of similar courts.

The JSC began by visiting African counterparts Uganda and Rwanda, both of which have international crimes divisions, as well as the ICC at the Hague. But the Commission was not finished. "Everyone was

telling us to look at hybrid courts,” Dr Kobia explained. The ECCC is a trailblazer in this regard, as it brings together elements of Cambodian civil law with internationally-applied common law.

Chief Justice Mutunga’s interest in an international crimes court is not purely academic. The 2007 re-election of President Mwai Kibaki was marred by widespread post-election violence. An estimated 1,300 people died, while another 600,000 were internally displaced. Against this backdrop, then, Dr Kobia’s team was particularly interested to learn about the ECCC’s innovative approach to victim participation. Specifically, the ECCC is the first tribunal to grant select Khmer Rouge victims “civil party” status, which entitles them to moral and collective reparations. Among other things, civil parties stand to be identified individually in the court’s written judgment on the guilt of the accused.

While the ICC has already identified six Kenyans as “most responsible” for the 2007-8 violence, Dr Kobia continued, Kenya must also deal with the “rank and file” aggressors—those who actually perpetrated attacks. In this regard, Dr Kobia pointed out that they may draw experiences from the ECCC’s Office of the Co-Investigating Judges (OCIJ). Over the past seven years, OCIJ personnel have conducted fact-finding missions in the field, interviewing scores of Cambodians and helping to lay bare the reality of decades-old atrocities on a massive scale.

On visiting S-21 and Choeung Ek:

As a complement to their meetings with ECCC staff, the JSC delegation toured the Choeung Ek killing fields and infamous Khmer Rouge detention facility S-21 on Tuesday, 28 March. “Obviously,” Dr Kobia confided, “it was very depressing. Some of us had read a lot about the Khmer Rouge, but when you actually visit the sites, it’s too much. It’s chilling.” He said a few members of his delegation were overwhelmed by the displays they encountered, such as detainees’ depictions of S-21 torture methods, and had to excuse themselves.



The Kenyan delegation at the Toul Sleng Genocide Museum together with the two survivors Mr. Chum Mey and Mr. Bou Meng. Photo: ECCC/Nhet Sokheng

At the same time, Dr Kobia said, such memorials show that Cambodians are trying their best to come to terms with what happened and refusing to be “imprisoned by the past.” The Khmer Rouge regime saw millions perish without peace and without dignity. But remembering them, Dr Kobia believes, will grant their spirits some measure of peace.

It is easy, Dr Kobia concluded, to wonder “How could Cambodians have done this to their fellow humans?” But, for him, Kenya’s own gruesome conflict—stands as proof that people are capable of anything under certain circumstances. As such, Dr Kobia expressed a strong desire to establish solidarity with Cambodians. Upon returning home, he said, he wants to impart not only a tale of Khmer Rouge crimes, but a present-day narrative of justice done and seen to be done.