

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



Lower end of Howe Street

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:

Friday, 4 September 2009

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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Awareness Times
Friday, 4 September 2009

Special Court Prosecution Replies to Defence

Augustine Samba

The Prosecution team of the Special Court for Sierra Leone, led by Stephen Rapp has strongly argued against the submissions made by the defence counsel of the three rebel leaders of the defunct Revolutionary United Front (RUF). Stephen Rapp made this argument on Thursday 3rd September 2009 at the Appeals Chamber of the Special Court whilst replying to the submission of the defence lawyers for Issa Sesay, Augustine Gbao and Morris Kallon. Stephen Rapp pointed out the rebel leaders had committed atrocities on the people of Sierra Leone.

Among the numerous points raised by the prosecution was the issue of the operation of the Joint Criminal Enterprise (JCE); an indictment which the defence had earlier argued does not constitute an offence in international criminal law and that the defending clients were never part of such an enterprise.

Prosecutor Rapp emphasized that the three accused persons must have intended, responsible, or having knowledge of the common purpose of the JCE. "Issa Sesay, Morison Kallon, and Augustine Gbao were members of the JCE, as long as they were senior members of the junta forces who committed the grave atrocities during the war in Sierra Leone," Mr. Rapp intimated.

He said Issa Sesay was a commander and leader of the joint AFRC/RUF junta force. "His responsibilities were to ensure that there was a sufficient supply of man power to fight the war," the prosecutor told the Appeals Chamber, adding that "He was responsible for the recruitment of child soldiers and capturing of civilians to be trained as fighters in Bunumbu or Yengema".

He said the Trial Chamber had proved earlier that Issa Sesay participated in atrocities including murder, enslavement of civilians, forced marriages, sexual abuses and looting of civilians' properties. He informed that similar crimes were committed by Morris Kallon. Augustine Gbao, he continued, captured and forced civilians to work on farms and also recruited civilians into the junta force. He furthered that Augustine Gbao was a vanguard and overall leader of the RUF in Kailahun.

The Exclusive
Friday, 4 September 2009

Special Court Calls for Sub-Lead Lawyer For Taylor

The Special Court for Sierra Leone has taken a dramatic decision which could change the course of Mr. Charles Taylor's direct examination. The court ruled on Wednesday that the Defence Team find a substitute for its ailing Lead Lawyer if he's not available in court by next week. The trial is postponed for another two days.

Presiding Judge Richard Lussick said the trial must proceed even if the sick Lead Defence Lawyer, Courtenay Griffiths is not

in court by next Monday.

According to Defence Lawyer, Morris Anyah, Mr. Griffiths has the personal responsibility to lead Mr. Taylor's testimonies. But Justice Lussick said a substitute was necessary for the continuation of the trial, and Mr. Taylor's rights will not be jeopardized.

So, if the Defence Lawyer, Courtenay Griffiths does not recover from his illness by next Monday, Mr. Taylor would have another Defence Lawyer to continue the direct examination.

Earlier Defence Lawyer, Morris Anyah spoke of the health condition of Mr. Griffiths.

Mr. Anyah said Mr. Griffiths' Doctor suspected something in addition to sore throat.

The Defence Team applied for one day adjournment, but the Judges ruled that the trial of Mr. Taylor be postponed until next Monday. This is the third time that Mr. Taylor's trial has been postponed because of the illness of Lead Defence Lawyer, Courtenay Griffiths.

Concord Times
Friday, 4 September 2009

Court takes dramatic decision in Taylor's trial

The Special Court for Sierra Leone has taken a dramatic decision which could change the course of Charles Taylor's direct examination. The court ruled on Wednesday that the defence team find a substitute for its ailing lead lawyer if he's not available in court by next week. The trial is postponed for another two days. JOHN KOLLIE has this transcribed report.

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lawyer, Courtenay Griffiths is not in court by next Monday, September 7.

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examination.

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The defence team applied for one day adjournment, but the Judges ruled that the trial of Taylor be postponed until next Monday.

This is the third time Taylor's trial has been postponed because of the illness of his lead counsel.

For di People
Friday, 4 September 2009

Judiciary Needs More Resources-



RAPP: successful tenure in Sierra Leone

OUTGOING PROSECUTOR for the Sierra Leone Special Court, Stephen Rapp has said the justice system here needs more resources to do its work effectively.

by **ELIAS
BANGURA**

Rapp said the judiciary is populated with brilliant lawyers and staff, who do their work in a professional manner despite the lack of modern facilities like the internet. Of special note to him was the professional manner the cocaine case was conducted, and commended the good work Justice Brown-Marke made in it.

He said he would also like the court system to be harnessed to meet the standards of other courts in other countries; another is for the

improvement on the witness protection and management unit of the court; and the provision of legal aid to the indigenes of Sierra Leone.

About the Civil Society, he said they are a vibrant lot, which bodes a memorable future for Sierra Leone. And for the media, he said he is satisfied about its coverage of the Special Court, but wished there would have been more, say, for example, the Charles Taylor trial at The Hague.

And much as his job here was challenging, he found joy in seeing satisfaction on the faces of the victims of the civil war

who had found justice at last. Even for the reparations program which the TRC had recommended for them, he said he wished it had more funding; and if they win their case against Charles Taylor, it is possible, he could be asked to pay compensation ie if his assets and money could be tracked around the world and given to the Government of Sierra Leone on behalf of the victims of the war.

Rapp was appointed by President Barack Obama in July this year to be the US Ambassador-at-large for War Crimes Issues. He has already given notice to the UN Secretary

General about his resignation as Prosecutor on 7 September.

On Wednesday, he met and spoke with the Press on issues relating to his three-year tenure as Prosecutor and the gains he's made-securing conviction of the AFRC leaders, the CDF, and the RUF. He is pleased indeed, for being a part of judicial proceedings that resulted in the first convictions in history for the recruitment of child soldiers as a war crime, the first convictions for attacks on peace-

keepers as a violation of international humanitarian law, and the first convictions for sexual slavery and forced marriage as crimes against humanity.

Later, he met President Koroma to report on his resignation as Prosecutor and to bid him farewell. The President thanked him for his immense service and contribution to the cause of justice. He said he believes Sierra Leoneans will always remember his contributions to the success of the Special Court; and he wished him good luck in his new appointment as the US Ambassador-at-large for War Crimes.

Cotton Tree News

Thursday, 3 September 2009

Special Court's Chief Prosecutor ends duty tour

Written by Ndeamoh Mansaray



The out-going United Nations backed Special Court for Sierra Leone; Chief Prosecutor Stephen Rapp has described 'the increased respect for the rule of law by all individuals' as the most

important legacy of the Special Court.

Mr. Rapp was on Tuesday addressing a farewell press conference in Freetown. On the Charles Taylor trial in The Hague, the Chief Prosecutor said the accused testimony had been contrary to the prosecution's evidence. But he said the prosecution was preparing to confront Mr. Taylor with the full weight of their case during cross-examination. Mr. Rapp expressed his gratitude to Sierra Leoneans for their courage, tolerance and goodwill, despite the terrible sufferings which they endured during the civil war. Mr. Rapp who leaves office on the seventh of September, will take up appointment as Ambassador at Large on War Crimes for the United States of America.

Concord Times Online

Thursday, 3 September 2009

Sierra Leone: Rapp Bids Farewell to President Koroma

Sahr Morris Jr

Freetown — Prosecutor of the Special Court for Sierra Leone, Stephen Rapp, has bade farewell to President Koroma to return to his native United States where he has been given a job in the Obama administration.

In a very low and somber tone, the world-acclaimed legal luminary, who took up the job three years ago, told the President, "I have come to you for the last time in my capacity as Chief Prosecutor of the Special Court for Sierra Leone," as he went on to narrate how he is badly wanted in Washington for national service and that the UN Secretary General has already approved his departure.

Leaving next week, the Prosecutor will do his final appearances in the Court on Thursday and Friday as they deliberate on matters relating to "forced marriages, sexual slavery, and attacks on peacekeepers".

He informed about the conclusion of the prosecution against Charles Taylor at The Hague, and how the accused has been doing a direct testimony for eight weeks running.

On the leadership succession, Rapp said naturally the Deputy Prosecutor, Sierra Leonean-born Joseph Kamara, would take over, but that there would have to be nominations for the substantive holder of the office, which he acceded "is a competitive process" that will be communicated to the presidency.

Notwithstanding, Rapp's wish is for Kamara to be confirmed: "I hope it will be someone who has been involved with the Court beforehand."

Giving an update of the past year, Rapp said he has been very pleased with the activities they undertook in terms of conducting trainings and sessions around the country "to make sure skills are developed and passed on".

He noted that there are outstanding challenges, including "making sure the Court's facilities are used well in future, residual issues of the cases, transfer of prisoners, ensuring that witnesses are protected", while noting that the process will be enhanced in consultation with government.

"Thank you very much for hosting me for the past three years. It has been a wonderful experience," he concluded.

Charlestaylortrial.org

Thursday, 3 September 2009

Stephen Rapp, Special Court Chief Prosecutor, Answers Your Questions – Part II

By Tracey Gurd Dear Readers,

Here's Part II of our three-part series of answers to your questions from Stephen Rapp, chief Prosecutor of the Special Court for Sierra Leone.

QUESTION:

Jose Rodriguez asked: "Could you expand on the reason why hosting the trial in the sub-region will create instability especially in Liberia, Sierra Leone, and the sub-region especially when Liberia has about 15,000.00 UN troops and arm embargo is placed on the country?"

MR. RAPP'S ANSWER: The decision to move the trial happened prior to when I became Prosecutor. Moving the trial is not something that the prosecution sought, though we had expressed a willingness to consider any venue if it meant that Charles Taylor could be brought to justice. The trial was moved from Freetown because of the request of regional leaders who thought that the conduct of this trial in the region, judging from the situation existing in 2006, would have been potentially destabilizing, particularly after the long and bitter civil wars in Liberia and in Sierra Leone, which spilled over into Guinea and Cote D'Ivoire.

Because of this request, I understand that court officials looked at other potential venues – not only in The Hague. At the time, I myself was at the Rwanda tribunal in Arusha, Tanzania, and I remember approaches being made to us about whether we had an empty courtroom and sufficient facilities to try the Taylor case in Arusha, which is actually further away from Monrovia or Freetown than is The Hague. But we did not have a courtroom available because the Rwanda tribunal was fully occupied in concluding its work and needed all of its courtrooms.

Eventually the only facility available that had the open court room, the security, the translation services, the access to the necessary detention and witness protection facilities, and the airline connections, to allow this trial to take place outside the region was at the International Criminal Court in The Hague, Netherlands.

Moving the trial there has not been easy for the prosecution because we had to move staff and open a second office thousands of miles away from our base in Freetown. In a way, it may have been easier for the defense team because its leading lawyers have their homes and professional offices just across the channel in the UK. However, it was difficult for our witnesses, and it will be difficult for defense witnesses as well to travel such long distances to such an unfamiliar place. Additionally, it has required the court to make extra efforts to make sure that the people of the region were adequately informed of the progress of the trial. But in the end, I am pleased that we have able to overcome the obstacles, and put on a trial that is very much a model of international justice, and that means are available, such as <http://charlestaylortrial.org>, to allow it to be followed closely by the victims and by others in the region affected by the crimes that are the subject of the proceeding.

QUESTION:

Shelby Grossman asked: "During their cross examination of prosecution witnesses, defense lawyers used several lines of inquiry to discredit witnesses. They argued witnesses said what they thought the prosecution wanted to hear because of the compensation they received for testifying. They pointed to inconsistencies in witness testimony. They argued that witnesses testified against Taylor to avoid prosecution for crimes they themselves committed. Of these (and other) lines of inquiry, which do you think was the strongest (i.e. most persuasive)?"

MR. RAPP'S ANSWER: Obviously the defense was doing its job in making those kinds of arguments, or pursuing those kinds of things on cross examination. One always has to consider these things in perspective when you consider the inconsistencies in testimony. When people describe events that occurred many years ago, and sometimes when they describe attacks at places where there were multiple attacks, it is quite common for them to

be incorrect on dates and times and places. There are also cultural factors where people don't relate to the world in terms of directions like north or south, or east or west, or wear wrist watches to tell the time of day. So because people are not relating to those particular directions or those particular times, they may not always be very precise and so an attorney can say that the witness said it was 9 o'clock in one interview, and 10 o'clock in the next interview, and this will look inconsistent. That kind of inconsistency is immaterial – but it is the job of the defense to do everything in its power to discredit witnesses and you'll expect those lines of attack. If you look at what's happened in other cases, you will see that almost always judges have said no I don't see the problem with these kind of inconsistencies – that these events happened and the witness is confused about certain aspects of it, but the basic testimony is correct.

There's this issue about witnesses having received expense reimbursements in certain situations and that's something that the defense loves to talk about. Sometimes they will make a great deal about a payment of 10,000 or 15,000 Leones for a witness for transportation to come to and from an interview, but it is only a matter of a few US dollars. They will try to make it look like the witness has sold his credibility for the compensation of expenses that barely covered what the participation in the judicial process has cost the witness and his family. We have made it clear that witnesses are not paid for testimony but are merely reimbursed for what they have lost because of their willingness to testify.

[On people who defense claimed testified against Taylor to avoid prosecution themselves]: That is certainly an argument that's been made, and there have been individuals who have testified that have admitted to acts that were criminal – but it needs to be borne in mind that the Special Court had a very limited mandate, that it could only go after the people who bore the greatest responsibility and that was essentially defined as people who were in national leadership positions, and since the initial decision on who to indict back in 2003, no additional individuals have been indicted. When most of the individuals who were witnesses in these cases were spoken to, the decision on who to prosecute had been made before they agreed to participate in any kind of interview. Sometimes they asked “Are you going to prosecute me?” and the prosecution always said “no, you are not on the list” and they said “well, can you assure me of that?” and so letters were given to the individuals saying that you are not on the list to be prosecuted. But those letters weren't given as the result of a bargain. I know that happens in national systems, where people make those kinds of agreements, but this did not happen in regard to any of the witnesses that have testified in the Charles Taylor case or in any other trial before the Special Court, because the decision had been made not to prosecute those witnesses before those individuals were spoken to.

QUESTION:

Noko5 asked: “Was the present position you are going to occupy advertise and was there a bidding process? How did you get this job? what did you do? how did you qualify? TELL US!!!”

MR. RAPP'S ANSWER: For this particular position, I was approached by the office of Secretary Clinton, the US Secretary of State, and after discussing it with the Secretary herself, I was later was contacted to ask if I would accept the position. After I said that I would accept, Secretary Clinton recommended me to President Obama. It is a position subject to appointment by the President and confirmation by the Senate, one of the many policy-level jobs where it expected that a new person will be appointed when a new Administration is elected and takes office.

As for the reason for my appointment, I can only point to the public record. In an interview with Secretary Clinton published in the New York Times magazine on 23 August, she mentioned my work in prosecuting gender violence at the international level. Those who have followed my career know of my work at the International Criminal Tribunal for Rwanda where I drafted the indictment of the Tharcisse Renzaho, Prefect of Kigali, the governor of the capital region, including charges for rape as a crime against humanity and war crime that recently resulted in the first conviction of highly-ranked individual for gender violence. While at the Special Court for Sierra Leone, I have been involved in achieving conviction of leaders for rape as a crime against humanity and a war crime, for sexual slavery as a crime against humanity and a war crime, and for the first time in history the crime of forced marriage as a crime against humanity. Before more international service, I was a United States attorney from 1993 to 2001 in my home state where I prosecuted some of the first cases under the American Violence Against Women Act.

As she said on her recent mission in Africa, Secretary Clinton has placed a high priority on efforts to protect women from the massive gender violence that has been committed in several civil conflicts. As she has noted, in many conflict zones a civilian woman is at greater risk than is a soldier. We saw it in Sierra Leone with more than 200,000 women and girls raped, many of whom were also sexually enslaved and or forced into becoming bush wives. Now in Darfur and the eastern DRC, we see the widespread commission of these crimes against women, which are devastating in their effect on individual victims and their communities and are very much part of the strategy of the leadership of armed groups in weakening and destroying a targeted population.

In this position I will be involved in the diplomatic efforts of the US to achieve accountability and deterrence of these crimes, while at the same time I will be working on behalf of my government with international courts such as the Special Court for Sierra Leone and the Rwanda and Yugoslavia tribunals to ensure the expeditious completion of their mandates in a way that leaves a legacy that prevents atrocities from being committed again.

QUESTION:

Harris K Johnson asked: “As an Ambassador-at Large for War Crimes issues, what is your option on a Special Court for Liberia to prosecute war lords as recommended by the TRC?”

MR. RAPP’S ANSWER: I was asked that question when I was in Monrovia and I quoted from what Ambassador Thomas Greenfield has said about two weeks ago, and what Secretary Clinton said when she passed through Monrovia a little more than a week ago. That was: the decision on how to achieve accountability for the crimes that were committed during the civil wars in Liberia is first and foremost a decision for the people of Liberia through their elected representatives and we really want them to make a decision on how they want to approach this issue and then if they come to us and seek assistance we’ll be prepared to provide that assistance. There are many approaches to achieving accountability but we think it important that the people who experienced this horrendous violence and who were victims of these crimes make that determination themselves. It is not for other countries to say you should do this or you should do that – let’s hear from them first.

QUESTION:

Harris K Johnson also asked: “What has happened to the remains of Johnny Paul Kormah that you once told us were found in Foyah, Lofa County, where those remains that of the real JPK?”

MR. RAPP’S ANSWER: As I’ve indicated publicly, we had certainly received information that Johnny Paul Koroma was killed in Foya in Lofa county in early 2003 and we’ve sought out as much information as we could about where his remains may be. We had some reports that he was buried in a shallow grave in a particular area. We were able to uncover partial human remains and through DNA analysis attempted to determine if were the remains of Johnny Paul Koroma. The scientific report that we got back in relation to partial sets of two remains indicate that they were not Johnny Paul Koroma. We have recently been able to determine the identity of one of the individuals who was a young soldier fighting in the conflict there, and we are in the process, in consultation with Liberian authorities and with his family, to ensure that those remains are returned there for appropriate burial. But we have not as yet been able to identify any remains that can be identified as those of Johnny Paul Koroma. Tragically, however, this was an area in which hundreds of people were killed, and also an area in which there was a fair amount of flooding, and so just because we haven’t found his remains doesn’t mean that he is not dead. However, we can’t definitively close the case without finding remains and identifying them scientifically, and that to date has not been possible.

QUESTION:

Noko5 asked: Are you going to make that the U S government becomes a part of the ICC, after wards indict president BUSH?????”

MR. RAPP'S ANSWER: In regard to the ICC and in regard to my new role as an Ambassador at Large, I will be a representative of the United States government and will be involved in discussions internally in the government about the direction we should take on international justice issues. At this stage in relation to the US participation in the ICC, all I can say is that when President Obama and Secretary Clinton were candidates for President last year, they both said that US membership in the ICC is premature at this time, that that they want to see how the ICC actually does its work. In that regard it should be noted that the US often takes a long time to determine whether it wants to join international treaties. However, there are several issues regarding the ICC treaty as to which President Obama and Secretary Clinton have expressed concern and were of concern to the American government during the Administration of President Bill Clinton when that treaty was negotiated. You will recall that the United States government did not support the final treaty when it came out of the Rome Conference. President Clinton made a decision at the very end of 2000 to sign the treaty, albeit with a statement that the US still had problems with the treaty that they hoped would be resolved. During the first term of US President George W. Bush, the US took a more hostile approach to the ICC. During the second term of the Bush administration, it did not oppose the UN Security Council referral of the Darfur situation to the ICC and eventually became one of the strongest supporters of the ICC when it came to the Darfur situation, particularly in publicly opposing any Security Council deferral of that investigation or prosecution.

Even before President Obama and Secretary Clinton took office, the United States had begun to move to a more cooperative stance with the ICC and this has continued with this Administration. There are issues that need to be discussed within the US government, and I hope to be involved in that process in the coming months, but as yet, there has not been a decision by the President and the Secretary about how specifically to proceed.

Thanks again to Mr. Rapp.

Charlestaylortrial.org
 Wednesday, 2 September 2009

Stephen Rapp, Special Court Chief Prosecutor, Answers Your Questions – Part I

By Tracey Gurd Dear Readers,

Your interest in hearing from Mr. Rapp was enormous. Thanks for all the questions. Unfortunately, we did not have time to cover all the questions that people asked. But we did get through a number of them. Many related to issues that a lot of people asked about. We also tried to get at least one question from most people answered – though again, unfortunately we did not get to everyone's answers because there were so many questions and so little time available for Mr. Rapp as he tried to answer the questions we had while in between flights that would take him to West Africa.

Today, we've posted the first instalment. We will post the next set tomorrow, and then the next one on Friday.

And with a big thank you to Mr. Rapp for taking the time to answer our questions in his last week on the job, here goes Part I:

A number of readers asked about the allegations of Taylor's secret bank accounts. We grouped them together to ask Mr. Rapp:

Noko 4 asked: "1. We have heard from you about BILLIONS you claimed Mr. Taylor has in various banks, Mr. Taylor has challenged the entire world to produce a single deposit, moreso, the various accounts. So far, you and your staff have failed to produce anything, WHY??? Are there said accounts, if so, we will see said evidence presented in this court??? If you don't produce said evidence, what does that do to your case given you have beaten the horse to death on this issue??"

Similarly Kpakojia said: "It's being awhile now since you made us to understand that Taylor has millions of blood diamond money stacked in foreign banks. To date you have not shown us dime of the Taylor millions. Don't you think it is time that you show the millions to further boost the prosecution case? Taylor has challenge you and everyone else on this planets to show proof that he has millions in hiding. You want to tell me that Taylor is that sophisticated that you can't find the money you alleged he has? Now you are talking about assets he owned. The only asset Taylor has is the house in Congo Town, Monrovia which won't even sell for half a million dollar."

Abe Lincoln wrote: "It is stated Mr. Taylor has FIVE BILLION DOLLARS in a NY Bank. As a result of the war, I lost my ten year old daughter in 1990 in Liberia. Please tell me when I'll be compensated for the lost of my child? I'm urgently awaiting your response. I need part of the FIVE BILLION, hurry!"

Zobon asked: "Will you show us were Mr. Taylor allege monies are?"

Meanwhile, Andrew Jlay asked: "Do we expect to see the prosecution confronting Mr. Taylor with his various bank accounts and inquire from him as to how he got \$5 billion dollars?"

MR. RAPP'S ANSWER:

I would refer the questioner to the record of the bank accounts discovered during the investigations by the United Nations Panel of Experts. You can actually see part of the bank account record yourself on the UN website, under the links to the Security Council and the Liberia Sanctions Committee. This is the bank account of Charles Ghankay Taylor on which he was personal signatory at the LBDI in Monrovia. During the time it was open, millions of dollars were deposited in the account. The most notorious transaction was one where the Oriental Timber Company deposited US \$1,999,975 in the morning into the Liberian Treasury and the same US \$1,999,975 went into this personal account at LBDI that very afternoon. From the ledger pages on the UN website, you can see Taylor then making withdrawals and transfers of hundreds of thousands of US dollars.

This is only emblematic of how Taylor allegedly took personal possession of the public resources of Liberia and Sierra Leone. Of course, what he did with Liberian resources is not directly relevant to the case at the Special Court except to the extent that it reflects on his honesty and credibility as a witness. However, Taylor's resources could become very important if he is convicted because under international law a judgment of conviction would establish his liability to compensate the victims or survivors of crimes for which he is held responsible. These victims would have a legal claim anywhere in the world against Charles Taylor or his property. Because we care deeply about

these victims, we have been developing information about his accounts and sharing it with the United Nations Panel of Experts and national prosecuting authorities so that assets can be traced and eventually made available to the victims. It is a process that has the potential to benefit victims, but this will only begin as to those in Sierra Leone if there is a conviction of Charles Taylor for crimes alleged in our indictment.

QUESTION:

Noko 4 asked: “Why isn’t Pres. Kabbah on trial when some of his deputies are facing jail terms; according to some of them, they got INSTRUCTIONS from him. In other words, isn’t he LINKED to their crimes they committed since Mr. Taylor is been LINKED to crimes by RUF???”

Jose Rodriguez wondered: “One of the prosecution witnesses said his legs and arms were amputated by Tejan Kabah army, why isn’t the government of kabah on trial?”

T-Bone asked: “having indicted the late Hinga Norman on war crimes and crimes against humanity , and knowing fully well, that everything that Norman did was done , in the name , and with the blessing of Tejan Kabbah , why has he (Kabbah) not been indicted?”

MR. RAPP’S ANSWER:

There is no question that President Kabbah, while he was in exile in Guinea in 1997-1998, ordered the establishment of the Civil Defense Forces. This CDF participated in efforts to overthrow the AFRC/RUF junta. During its operations, some of its units committed atrocities against civilians, and two of its leaders have been convicted at the Special Court. But the commission of atrocities by these units did not make Kabbah responsible unless it could be proven that he had knowledge of the crimes and, despite that knowledge, provided assistance that substantially aided the commission or caused the commission of those crimes, or that he intended to commit those crimes as part of his strategy or common scheme or plan, or that he ordered or instigated the specific crimes.

We are not prosecuting people because they fought a war on one side or the other. It is not an international crime for rebels to try to take over a country, and certainly it is not one for a deposed legitimate government to try to restore itself to power. What is a crime is to commit atrocities against civilians. We followed the proof on the CDF as high up as we could, and that led to the person who was in effective control of the CDF in the field, the late Chief Sam Hinga Norman. We presented witnesses who said that before the attack on Koribundo he ordered CDF soldiers to kill everyone that they found in the town and to destroy all buildings except the mosque, the court, and the school. We had other witnesses who said that Norman was angry afterwards when he saw some civilians who had been allowed to live. We had no evidence that Kabbah knew about such attacks from his exile in Guinea and we saw that these kinds of acts ended when he returned to Sierra Leone. Indeed when Hinga Norman was asked in his own trial whether Kabbah had been involved in the choice of tactics, he said no.

By contrast, the evidence that we have presented in The Hague has shown that Charles Taylor consistently encouraged the use of the tactics of terror. He is quoted by several witnesses as saying that it was necessary to make people “fearful,” and he did this both in Liberia and Sierra Leone by encouraging the commission of atrocities. I have heard the comment that the tactic of chopping of hands and arms did not occur in Liberia as it did in Sierra Leone. However, as the Trial Chamber noted in its decision denying the defense motion to dismiss, a witness said that the RUF asked Taylor about this tactic and he approved it because it would make people “fearful.”

People in Liberia do not forget “Operation Octopus” and all of the atrocities committed by Taylor’s NPFL forces. They remember road blocks made of human intestines. They remember the chant he used to gain election—“He killed my Pa, he killed my Ma, I’ll vote for him.” They remember the public display of human skulls on pikes, and indeed Charles Taylor in his testimony still does not see anything wrong with such display.

QUESTION:

Noko 4 asked: “There was an Accord signed that ended the war in July ‘99. From my understanding, that Accord FORGAVE ALL for whatever they did during the war years. As I read the charges against MOST, especially Mr. Taylor, MOST of his charges occurred before the Accord was signed. So why isn’t the Accord been honored when it was SIGNED OFF by the int’l communities???”

MR. RAPP'S ANSWER:

Yes, there was a peace accord signed at Lome, Togo, when the RUF forces were in control of most of the territory of Sierra Leone, and despite the horrendous atrocities that it had so recently committed, the RUF was able to negotiate a very sweet peace agreement in which its leader Foday Sankoh was made the effective vice president of Sierra Leone and put in charge of the mining industry that he had been trying to seize and exploit. The accord also included an amnesty barring prosecutions by Sierra Leone under its domestic law in its national courts of any individuals for crimes committed in the civil war before the date of the accord. The United Nations participated in that negotiation, and Secretary-General Kofi Annan added to end of the agreement a statement that the amnesty did not apply to crimes under international law. These include "crimes against humanity," which are offenses committed as part of a widespread or systematic attack against civilians, and "war crimes," which are offenses against the Geneva Conventions or the Additional Protocols involving the intentional targeting of civilians during an armed conflict.

Of course, the Lome peace accord fell apart in 2000, when rebel forces killed four UN peacekeepers and abducted another 500, and Sankoh's guards killed civilians who were demonstrating in Freetown against the abductions. The following month the President of Sierra Leone wrote to the United Nations and asked for the establishment of a court to try those responsible for atrocities committed during the civil war, and this led to the creation of the Special Court for Sierra Leone. Once the Special Court was in operation and the Prosecutor issued indictments, the accused individuals filed motions asking that the cases be dismissed because of the Lome amnesty. The judges of our Appeals Chamber then held, very consistently with international law, that amnesties do not bar prosecutions for international humanitarian law by an international court such as the Special Court for Sierra Leone. All of our indictments have charged only such violations against leaders in Sierra Leone of the RUF, the AFRC, and the CDF, and against Charles Taylor.

Regarding Liberia, I have not seen any official document that the Liberian Legislature approved an amnesty for atrocities committed during its civil war. However, I have very recently heard that there may have been such a law considered just prior to Taylor going into exile in August 2003. But no one has found an original of such a statute or the act of the Liberian legislature, or of its approval by then President Taylor or his successor President Blah. But in any case, the act of a national legislature cannot bar a prosecution by an international court such as the Special Court for Sierra Leone for international crimes.

QUESTION:

Harris K Johnson asked: "What is your stand as a prosecutor on HEARSAY and DECUMENTARY EDVIENCE?"

Noko4 asked: "How come HEARSAY is the ONLY CREDITABLE evidence the prosecutors gave us during their showing given the amount of money been spend???" Do you truly believe one should be jail away for life on HEARSAY???"

MR. RAPP'S ANSWER:

The rules of the Special Court, like all international courts, permit the judges to consider any probative evidence, including hearsay. This is appropriate because the trials are not conducted before juries but by learned judges who can decide the weight to be given each item of evidence. Usually direct evidence receives more weight, and we have presented direct evidence against Charles Taylor. But hearsay evidence can receive appropriate weight, and particularly when combined with other evidence can provide a very accurate picture of events.

For instance, it can include results of a thorough investigation by a reliable independent human rights observer who has received the information on the strict condition that identities will remain confidential. On other occasions, it may involve testimony from individuals who have spoken to someone who directly overheard a significant and memorable communication. Other times, it may include information imparted to a witness on a contemporaneous basis – for instance when a witness was standing next to someone who was on the line with the leader and got the relayed message, "attack that village." There can be situations where a witness has heard reports from persons who say that they were buying arms at the direction of a leader, while others have testified that shortly thereafter groups supported by the leader were found to have arms of the kind that were being purchased. This can show a pattern that the judges can consider together with the totality of evidence.

Particularly when you are dealing with powerful leaders who pull the strings behind the scenes, it is important to be able to use this kind of evidence, provided that at the end of the day well-trained judges weigh it appropriately and find, combined with other evidence, that the prosecution has met its burden of proof beyond a reasonable doubt.

QUESTION:

Andrew Jlay asked: “We have been given to understand that the original indictment for Mr. Taylor’s arrest was disclosed to the US Government, prior to it official unsealing. How true is this account and what was the rationale if the account is correct?”

MR. RAPP’S ANSWER:

I do not know if that was the case because it was prior to my arrival at the Special Court. If it were the case, that would be allowed by the rules of the Court which permit court officials to contact national authorities for assistance in the execution of arrest warrant. Those authorities may have intercepted communications about where an individual may be located or to where the individual may be traveling in the future. Indeed such contacts are absolutely essential because international courts do not have the power to arrest—it is only national authorities that have that power. When requested by court officials, these authorities make the arrest and then transfer the arrested individual to the custody of the court. So the arrest warrant may be sealed as to the public, and the accused, but it is not sealed as to authorities of the member states of the United Nations.

QUESTION:

Sylvanus asked: “You have been reported in the media as saying that you are convinced that Charles Taylor will be convicted even when the trial is still on. Have you suddenly been promoted from being a prosecutor to the enviable position of a judge in this case? Do you think a truly professional and competent prosecutor should be making such public statements even when the trial is still pending?”

Helen asked: “Why are you so sure that Taylor “will” be convicted? Are you allowed to prejudice this trial in such a manner or are you stating what your superiors have decided will be a foregone conclusion? Is this trial just a mockery?”

MR. RAPP’S ANSWER: All I can say is “beware of headlines.” I have never predicted that Taylor will be convicted. One or two headline writers may have put that headline above stories, but if you read the stories and saw my actual quotations, I said no such thing. What I have done is repeat what I said in my opening statement in court, summarized what witnesses have said in court, or quoted rulings by the judges.

I have explained the evidence that we have presented, and have described the submissions that we have made in court particularly on the motion to dismiss. I have quoted the conclusion of the judges that we have presented a sufficient case for conviction on all of the counts of the indictment, while noting that this decision was made at the end of prosecution case when the judges must consider the evidence in the light most favorable to the prosecution, and before the defense has presented its evidence. So one has to listen very carefully to comments made by prosecutors and defense attorneys to understand that we don’t jump to conclusions – we simply describe what we have done and what judges have said about what we have done.

Stay tuned for the next installment tomorrow!

UNMIL Public Information Office Media Summary 3 September 2009

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

International Clips on Liberia

Liberia arrests 6 Pakistanis at airport

Source: English General News Date: September 03, 2009

Liberia's defense minister says police have arrested six Pakistani men who tried to enter Liberia on fake U.S. passports with possible intent to carry out terrorism. Defense Minister Brownie Samukai says the men were arrested earlier this week at the international airport. In a radio statement late Wednesday he said one of the suspects removed his phone's SIM card and swallowed it as he was being arrested. Samukai did not give further details on what Liberian authorities believe the men were trying to do, where the men are being held or what charges they may face. Officials say they believe the men's U.S. passports were fakes.

International Clips on West Africa

Sierra Leone

In Sierra Leone, Police Named in Armed Robbery Scandal

<http://www.news.sl/drwebsite>

The Head of Media and Communications in the Sierra Leone Police (SLP) has denied allegations from residents in Freetown that night patrol police personnel were part of the armed robbers who has been terrorizing peaceful residents at night. Assistant Superintendent of Police (ASP), Ibrahim Samura on Tuesday 1st September 2009 described the allegations as unfortunate, baseless and unfounded. The Sierra Leone Police is a professional force tasked with an obligation to protect the lives and properties of the citizenry and also that of maintaining law and order," ASP Samura told the Awareness Times newspaper in a telephone interview. He stated that the presence of the police was highly visible at night, which according to him was an effort aimed at maintaining peace and rid the country of armed robbers. "Police personnel have been deployed in all areas across the country that are prone to armed robbery attacks," he noted, adding that the police were very active in conducting condone and random searches.

Guinea

Guinea bans political debates on radio, TV

CONAKRY (Reuters) - Authorities in Guinea have banned live political chat shows, the latest sign of political unease after violent demonstrations and accusations of phone censorship deepened a row over delayed elections. The military junta that has run the world's top bauxite producer since a December 2008 coup is facing mounting opposition and criticism after it delayed until 2010 elections which the military leader has not ruled out standing in."The National Communications Council (CNC) has decided to ban, until further notice, politics from all types of interactive broadcasts in any language," said a statement read on state television. A senior source in the CNC, which regulates all

media in Guinea, told Reuters that the ban was a result of "pressure from the entourage around the head of the junta".

Local Media – Newspaper

Government Gets Six Vehicles for Police Operations

(The Informer, The News)

- The Governments of Ireland, Germany as well as the United Nations Peace Building Fund have donated six vehicles to the Liberia National Police (LNP).
- The donation is to enhance internal security as the country moves toward consolidating peace.
- Handling the keys of the vehicles to LNP authority, the Chief Technical Advisor of the Security Sector Reform at the United Nations Development Programme (UNDP), Napoleon Abdullai said the donation was part of their efforts to build the capacity of the LNP in fighting crimes.
- Deputy Police Inspector General for Administration Samuel Dakana lauded the donors and said that the donation was timely especially at a time when the LNP is gearing up to resume a rigorous exercise.

Criminals Leaving From Guinea To Liberia...As UNMIL, LNP Hold Security Meeting (The Inquirer)

- Lofa County Superintendent Galakpai Kortimai says he has observed the influx of criminals coming into the country from neighboring Guinea.
- In an interview, Mr. Kortimai said the influx of criminals has led to the increase of armed robbery, burglary and other crimes in the county.
- The Lofa Superintendent said he had begun holding series of meetings with the people of the county to discuss the influx of these alleged criminals and the increasing wave of crimes in the county.
- Meanwhile, the United Nations Mission in Liberia (UNMIL) and the Liberia National Police Detachment in the county over the weekend convened a special security meeting with the people aimed at addressing the security needs of the county.
- During the meeting, it was agreed that a watch team consisting of 15 persons from each quarter be forwarded to the security forces to help monitor the security situation.

Police Patrol Chief Indicted for Theft

(Daily Observer, New Democrat)

- The Chief of Patrol of the Liberia National Police (LNP) along with several other police officers to be identified has been reportedly indicted for theft.
- Inspector Darlington Williams and other LNP officers had been indicted by the grand Jurors of Criminal Court "A" at the Temple of Justice for their alleged involvement in the theft of more than US\$9,000.00 and other properties.
- Hearing in the case is ongoing.

Court Seeks Substitution for Taylor's Lawyer

(New Vision, Heritage, The News, The Monitor, National Chronicle)

- Reports from The Hague say the Special Court for Sierra Leone has taken a decision which could change the course of Mr. Charles Taylor's direct examination.
- The court ruled on Wednesday that the Defence Team finds a substitute for its ailing Lead Lawyer, Courtenay Griffiths if he's not available in court by next week.
- The trial has been postponed for another two days. But Defence Lawyer, Morris Anyah said that Mr. Griffiths has the personal responsibility to lead Mr. Taylor's testimonies.
- This is the third time Mr. Taylor's trial has been postponed because of the illness of Mr. Griffiths.

Foreign Ministry Comptroller Dismissed

(The Informer, Daily Observer, New Democrat, Heritage, National Chronicle, New Vision)

- The Ministry of Foreign Affairs has dismissed, with immediate effect, Mr. Osman Kamara, Comptroller of the Division of Finance for Administrative reason.
- The Ministry says Mr. Kamara failed to perform his duties in keeping with the standard of a Comptroller of the Ministry of Foreign Affairs.
- But the wife of Mr. Kamara has since dismissed the allegations arguing that her husband was competent.

GEMAP Ends This Month in Liberia

(Heritage, New Vision)

- The Governance and Economic Management Assistance Programme (GEMAP), is to formally end its operation in Liberia on 30 September 2009.
- The co-signature arrangements for the USAID-funded advisers at the Roberts International Airport (RIA), the national Port Authority (NPA), the Liberia Petroleum Refinery Corporation (LPRC) and the Ministry of Finance Department of the Budget will cease.
- However, the IMF and the World Bank will fund the retention of advisers with co-signature authority at the Ministry of Finance and the central Bank of Liberia.

Senate Breaks Silence on PUL Bills

(Daily Observer, the Inquirer)

- Despite persistent pressure from the Press Union of Liberia (PUL) for the passage of three media bills before the National legislature, the Liberian Senate says it received only one bill, an Act to Establish an Independent Broadcasting Regulator for Liberia.
- The Senate however said the bill contained lots of flaws that needed to be dealt with before its passage.
- The lawmakers said considering this, the Senate cannot pass the bill until certain amendments are made in the Acts that established the Ministry of Information, Liberia Telecommunication Authority and the Ministry of Post and Telecommunication.
- The three bills before the Legislature for passage include the Freedom of Information and an Act to establish an Independent Broadcasting Regulator.

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

Star Radio (*News monitored today at 09:00 am*)

Defense Warns Against Releasing Six Pakistanis from Jail

- The Ministry of National Defence says any attempt to release six Pakistanis arrested recently at the Robert International Airport (RIA) would pose security threat to the country.
- In an interview, Defense Minister Brownie Samukai said the manner in which the Pakistanis entered the country has created serious security concerns.
- Minister Samukai disclosed that during the security screening at the RIA one of the Pakistanis took a sim card from his mobile phone and chewed it.
- The Defence Ministry reaction comes in the wake of reports that various law firms in Monrovia have filed habeas corpus petitions for the Pakistanis and several Liberians.

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

US Naval Ship In the Country

- A United States Naval vessel, HSV Swift is in the Country as part of the Africa Partnership Station (APS) with several on board to conduct training and assistance programs.
- While in the country, the APS will conduct variety of health care delivery services including health education.
- The mission will also conduct advanced lab education at several medical facilities including the John F. Kennedy Medical Center and Redemption Hospital.
- During the deployment, the APS will construct two medical wards at the Redemption Hospital and begin work on the Liberian Coast Guard Pier.

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

Hearings on Investment Act Start at Legislature

- A team of government representatives has described the draft Investment Act of 2009 as a major instrument to improving the Liberian economy.
- The government team said the Investment Act would support the development of a vibrant private and public sector by attracting foreign direct investment.
- The team said the Act would also improve the accountability, efficiency and transparency of how government deals with investors.
- The government representatives made the comments before the joint Legislative Committee, conducting public hearings on the draft Investment Act of 2009.

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

Court Seeks Substitution for Taylor's Lawyer

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

WAEC Cites Reasons for Mass Failure of Students in 2009 exams

- The Monrovia office of the West African Examinations Council (WAEC) has identified several factors responsible for the massive failure of students in its exams this year.
- The head of WAEC, Professor Thomas Gaie cited the lack of qualified teachers, and sub-standard schools operating in the country as some of the contributing factors.
- Professor Gaie also identified the lack of conducive learning environment and poor disciplinary measures as factors that contributed to the mass failures.
- Professor Gaie said Liberia might not participate in the West African senior schools examinations scheduled for 2011 if the factors are not carefully reviewed.

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

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

Foreign Ministry Comptroller Dismissed

Radio Netherlands Worldwide

Wednesday, 2 September 2009

Justice comes slowly for victims of Khmer Rouge

By International Justice Desk



Phnom Penh, Cambodia

Yum Keun remembers when Duch, chief warden of the Khmer Rouge's infamous S-21 interrogation centre, drove through her commune. "He was so powerful that we were afraid to look at his face," says Keun, a 69-year-old woman who lives in the area where Duch grew up.

"We were afraid that if he saw us looking at him we would be killed."

By Chris Tenove, Stoeng District, Kompong Thom Province, Cambodia.

The tables have turned. On Monday evening last week, Keun prepared to travel to Phnom Penh to get a close look at Duch, who is now on trial before a tribunal jointly created by the Cambodian government and the United Nations. The Duch trial is discussed on radio programs and plays live on television sets. But many Cambodians have decided that they want to see the courtroom – and the infamous defendant – in person.

Since the trial began in February more than 20 000 people have visited the tribunal, formally known as the Extraordinary Chambers in the Courts of Cambodia (ECCC). The impression made on these visitors, and the observations they bring back to their communities, will play a critical role in determining the ECCC's legacy.

On the eve of her visit, Keun has mixed feelings about the trial. Like many elderly women in rural areas, she has shaved her head and now devotes her time to the local pagoda. The spiritual path of Buddhism is one of equanimity and letting go of the world, rather than a desire for revenge and retribution. But worldly justice also has its appeal for Keun. Many of her friends died under the Khmer Rouge regime between 1975 and 1979. Thirty years later she still trembles when she sees a police officer or a local authority, remembering how officials regularly took people away to be killed.

"I'm not sure whether to trust the justice of the tribunal," she says as she absently twists a ring on her finger. "But I want to go to the trial to see what an evil person looks like. I want to see his real face."

At three a.m. the next morning, eight buses from the ECCC arrive to pick up 350 residents from Stoeng District. Keun and others arrive on motorcycles and wooden carts pulled by tawny cows. They carry plastic bags of food for the long journey: four hours to Phnom Penh, a full day at the tribunal, then home again.

Prak Mali, a 46-year-old farmer, sits on his haunches beside an idling bus. He wears a black cap and a white-collared shirt, and he has a good-humored expression despite the early hour. "I'm excited to go to Phnom Penh," he admits with an impish smile.

Mali believes that one of his uncles was arrested in Phnom Penh by the Khmer Rouge and taken to S-21. If so, his uncle would have been one of the over 12,000 people estimated to have been executed at S-21 while Duch was in command. Like Keun, Mali is surprised at the turn of events that will allow him to see Duch in person.

“I never expected there would be a court to try the Khmer Rouge,” he says before climbing onto a waiting bus.

Justice or Re-Traumatization?

Surveys in Cambodia have found a strong desire for trials of Khmer Rouge leaders, but there are also mixed feelings towards the ECCC’s. In its three years of operation, the tribunal has been dogged by allegations of corruption among Cambodian staff and of undue influence exerted by Prime Minister Hun Sen and his ruling party.

Many Cambodians are also frustrated at how long it has taken for justice to come. Several notorious Khmer Rouge leaders have died of old age, including the supreme leader Pol Pot. The ECCC has detained four of the remaining senior leaders, including second-in-command Nuon Chea. But their trials won’t begin until late 2010 at the earliest, and any of the elderly detainees could die of natural causes before a verdict is reached.

A recent study in the *Journal of the American Medical Association* raised another concern. In a survey of over 1000 Cambodians conducted in 2006 and 2007, the team led by Jeffrey Sonis of the University of North Carolina at Chapel Hill, found high levels of post-traumatic stress disorder (PTSD), as well as mental and physical disability. They also found that among older people who knew about the tribunal, over 90% thought that trials would bring up painful memories. The authors conclude: “The crucial question is whether the [Khmer Rouge] trials will reduce symptoms of PTSD by increasing feelings of justice, or increase PTSD symptoms by reviving traumatic memories of survivors without providing an opportunity to process and reframe those memories.”

The emotional and psychological scars left by the Khmer Rouge regime were at the heart of the Duch trial on the day that Yum Keun attended. Dr. Chhim Sotheara, director of Cambodia’s Transcultural Psycho-social Organisation, was on the stand as an expert witness. He described the nightmares, depression, alcohol abuse, and social dislocation suffered by people who lived through that era. The trial could trigger traumatic memories in victims of the Khmer Rouge, Dr Sotheara cautioned, but it could also cause people to acknowledge and work on their mental problems. “The tribunal can help them face their trauma and focus on its treatment,” he said.

Conflicted Feelings

Duch sat silent throughout this testimony. In the viewing gallery, separated from the courtroom by a wall of glass, the Keun and the other villagers from Stoeng watched him. The former mathematics teacher, whose real name is Kaing Guek Eav, had neatly cut, salt-and-pepper hair, and he wore a white, short-sleeve shirt. He studiously took notes throughout the testimony. After Dr. Sotheara was finished, Duch rose to thank him for his “scientific” and “unbiased” research.

“The consequences of crimes against humanity are extensive and long-lasting,” he intoned, sounding very much the schoolteacher. “I personally am responsible for crimes committed at S-21...I accept it legally and psychologically.”

Before the trial adjourned for lunch, Duch acknowledged the presence of residents of his native district in the viewing gallery.

Outside the courthouse, Keun sat at a plastic table with friends from her village. They ate the rice, fried vegetables and fish sauce they had brought from home, and they discussed the trial. Keun admitted that she, too, endured the nightmares, anxiety, and other symptoms that Dr. Sotheara had described.

“I suffer every day!” exclaimed her friend Piya Ly Kim, 76, who lost three sons and a daughter-in-law during the Khmer Rouge regime. “One son spent many years studying so that he could be a teacher. Because he was an educated person, the Khmer Rouge killed him. I can never stop thinking about this. He was killed for no reason!”

Keun confessed that she had conflicted feelings about Duch’s own guilt. “Duch always feels like he did a terrible thing and he explains what he did was not what he wanted to do,” she said.

“Bigger people were standing on him,” Ly Kim agreed. “So yes, I feel pity for him.”

Then she reversed herself. “I don’t care about his apologies, that does not return my sons to me. I want him to answer to the law.”

The two friends packed up their lunch and, arm-in-arm, returned to the courtroom to watch the trial continue.