

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



Principal Defender Claire Carlton-Hanciles addressing pupils of the FSSG, during yesterday's outreach to the school.

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, 8 June 2011

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

Local News	
Court Indicts Five for Contempt, Alleges Interference With Witnesses	Page 3
International News	
Court Indicts Five for Contempt, Alleges Interference With Witnesses / <i>The Patriotic Vanguard</i>	Page 4
Mladic: Bluster and Filibuster / <i>International Justice Tribune</i>	Page 5
The Making of a Monster / <i>News Week</i>	Pages 6-9
Kenya Files Appeal Against ICC Move / <i>Capital News</i>	Pages 10-11
Judges Dismiss Call to Probe New Khmer Rouge Case / <i>Agence France Presse</i>	Page 12
US Play Explores Cambodia's 'Extraordinary Chambers' / <i>Voice of America</i>	Pages 13-14
The Trials of International Tribunals / <i>Council on Foreign Relations</i>	Pages 15-16
Special Court Supplement	
Yesterday's Outreach at FSSG by Principal Defender Claire Carlton-Hanciles / <i>OPA</i>	Pages 17-18



Special Court for Sierra Leone
Outreach and Public Affairs Office

PRESS RELEASE

Freetown, Sierra Leone, 7 June 2011

Court Indicts Five for Contempt, Alleges Interference With Witnesses

Five persons have been served with “orders in lieu of an indictment” charging them with contempt of court under Rule 77(A) of the Rules. They are alleged to have interfered with Prosecution witnesses who testified in two separate trials before the Special Court.

Two convicted former leaders of the Armed Forces Revolutionary Council, Ibrahim Bazy Kamara and Santigie Borbor Kanu (AKA: “Five-Five”), were given the indictment at Rwanda’s Mpanga Prison, where they are serving lengthy sentences for war crimes and crimes against humanity.

Charged with Kamara and Kanu are Hassan Papa Bangura (AKA: “Bombblast”) and Samuel Kargbo (AKA “Sammy Ragga), resident in Sierra Leone. All four are charged with two counts of attempting to bribe a witness to recant his previous testimony.

Kamara faces an additional count of disclosing the name of a protected witness, “in knowing violation of an order of a Chamber.”

In a separate order, the Trial Chamber charged Eric Senessie on nine counts of attempting to induce Prosecution witnesses in the Taylor trial to recant testimony they gave before the Court.

No arrest warrants have been issued. All of the accused have sought guidance from the Special Court’s Defence Office on obtaining counsel.

The “orders in lieu of an indictment” followed separate independent investigations ordered in March 2011 by the Trial Chamber to determine whether allegations raised by the Prosecution provided sufficient grounds to instigate contempt proceedings.

The orders direct that the Accused be prosecuted by independent counsel. Both cases will be heard by Trial Chamber II Presiding Judge Teresa Doherty.

If convicted, the Accused could face prison sentences of up to seven years, fines of up to two million leones (approximately \$500), or both.

The date and venue for the hearings has not yet been announced.

#END

The Patriotic Vanguard

Wednesday, 8 June 2011

Court indicts five for contempt, alleges interference with witnesses



Five persons have been served with “orders in lieu of an indictment” charging them with contempt of court under Rule 77(A) of the Rules. They are alleged to have interfered with Prosecution witnesses who testified in two separate trials before the Special Court.

According to a Special Court statement two convicted former leaders of the Armed Forces Revolutionary Council, Ibrahim Bazy Kamara and Santigie Borbor Kanu (AKA: “Five-Five”), were given the indictment at Rwanda’s Mpanga Prison, where they are serving lengthy sentences for war crimes and crimes against humanity.

Charged with Kamara and Kanu are Hassan Papa Bangura (AKA: “Bomblast”) and Samuel Kargbo (AKA “Sammy Ragga), resident in Sierra Leone. All four are charged with two counts of attempting to bribe a witness to recant his previous testimony.

Kamara faces an additional count of disclosing the name of a protected witness, “in knowing violation of an order of a Chamber.”

In a separate order, the Trial Chamber charged Eric Senessie on nine counts of attempting to induce Prosecution witnesses in the Taylor trial to recant testimony they gave before the Court.

No arrest warrants have been issued. All of the accused have sought guidance from the Special Court’s Defence Office on obtaining counsel.

The “orders in lieu of an indictment” followed separate independent investigations ordered in March 2011 by the Trial Chamber to determine whether allegations raised by the Prosecution provided sufficient grounds to instigate contempt proceedings.

The orders direct that the Accused be prosecuted by independent counsel. Both cases will be heard by Trial Chamber II Presiding Judge Teresa Doherty, pictured.

If convicted, the Accused could face prison sentences of up to seven years, fines of up to two million leones (approximately \$500), or both.

The date and venue for the hearings has not yet been announced.

International Justice Tribune

Tuesday, 7 June 2011

Mladic: bluster and filibuster



The Hague, Netherlands

Following initial reports from ICTY sources that former Bosnian Serb general Ratko Mladic was cooperating well with the court's procedures, observers worry that the defendant could soon start to employ delaying tactics.

By Richard Walker

After describing the charges levelled against him as "obnoxious" there is good reason to expect the former general to be less than fully cooperative when his next hearing takes place on July 4th 2011. The following is an inexhaustive list of Hague tribunal indictees and their favourite methods of playing for time:

The former Bosnian Serb leader Radovan Karadzic requested several extra months to read through the evidence against him (more than 1 million pages); He continues to insist on conducting his own defence despite the fact judges at the ICTY have repeatedly urged him to accept the lawyers appointed to represent him. Karadzic has taken multiple opportunities since his trial began in 2008 to mock the court with facetious questions, as well as make challenges to the court's jurisdiction and legitimacy.

Vojislav Seselj (Serb ultra-nationalist) on trial for conspiracy to murder during the Balkan wars of the 1990s is now on trial separately for contempt of court. Judges repeatedly instructed Seselj to remove the details of protected witnesses from his online publications. He failed to do so and now faces lengthy delays to his more serious war crimes trial.

Charles Taylor (former President of Liberia) has fired his lawyers, turned up to court late, and sometimes even not turned up at all. All of which has helped delay proceedings in the 3 year trial.

Slobodan Milosevic (former President of Serbia). Many doubted the veracity of Milosevic's repeated claims of sickness. He conducted his own defence and used up court time with political grandstanding, although his microphone was often switched off. Few credible voices doubt the veracity of his death.

News Week
Tuesday, 6 June 2011

The making of a monster

EUROPE WAR



Mladic, who oversaw the Balkan slaughterhouse, is accused of ordering the execution of thousands of Bosnian men and boys.

THE MAKING OF A MONSTER

WHEN HIS BELOVED DAUGHTER SHOT HERSELF WITH HIS FAVORITE GUN, SERBIAN GENERAL RATKO MLADIC LOST HIS MIND, DRENCHING THE BALKANS IN BLOOD. HIS CAPTURE LAST WEEK MAY FINALLY BRING JUSTICE FOR HIS VICTIMS.



A MONSTER

BY JANINE DI GIOVANNI

FOR YEARS, DURING the grim and seemingly endless Balkan wars of the 1990s, Ratko Mladic appeared a mysterious, almost mythic figure, a stout and red-faced general in combat fatigues, who was rarely seen by anyone but his most trusted men. To many Serbs, he was a hero, a defender of national pride and values. To the families of his victims, he was a coldblooded killer who led his soldiers not into battle, but into a state of carnage during the disintegration of Yugoslavia. While all sides—Muslim, Croats, and Serbs—were guilty of heinous crimes, it was Mladic's men who crossed into infamy, slaughtering nearly 8,000 Muslim boys and men during the July 1995 Srebrenica massacre.

During the years I spent reporting these Balkan wars, my notebooks grew thick with accounts of the terror Serbian snipers inflicted on the residents of Sarajevo, the city they held in a malevolent siege for years. I heard lengthy, heartbreaking accounts of the destruction of Srebrenica, Gorazde, Foca, and Mostar.

But I met Mladic only once.

It was the winter of 1993, a particularly desperate time for the Bosnian civilians, whose villages were left behind as smoldering pyres by marauding Serbian soldiers. Somehow, by a muddy road, through pelting, icy rain, I had made it to Lukavica, the Serb military stronghold where Mladic and his men had made a stop. Dressed in full military regalia, the general was seated in his jeep, appearing smaller than I had expected. I asked him for an interview. Looking at me with a glacial stare, he seemed to regard me not as human but as some strange species. "Tell the reporter to move away from my car before I run her down," he barked to one of his lackeys. I never saw him again.

It would take almost two decades after that before he was finally caught. His wife, Bosiljka, had claimed he was dead; there was speculation that he had had plastic surgery to avoid capture. But last week, after too many close calls, too much leaked information, too many escapes, Serb intelligence agents found the 69-year-old general at last. His face, though aged, was the same—that of Europe's most notorious fugitive from justice. Serbia's president during the war, Slobodan Milosevic, who preceded Mladic to the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague after he was arrested in 2001, was known as the Butcher of the Balkans (his trial ended without a verdict when he died in prison in 2006). But it was the bloodthirsty Mladic, soon headed to The Hague himself to stand trial, who oversaw the charnel house.

The capture of Mladic ends what Boris Tadic, the current Serb president, described (with a monumental euphemism) as a "difficult period of our history." His arrest, he said, will remove "a stain from the face of the members of our nation wherever they live." Perhaps it will also, in some small way, ease the anguish of the families of the victims who, in the words of the prosecutor for the ICTY, suffered "unimaginable horrors."

RETURNING TO THE Balkans earlier this year to report on the hunt for Mladic, I visited a small, enclosed cemetery called Topcidersko Groblilje on a wooded hillside in the Serbian capital of Belgrade, where families were laying flowers and offerings to the dead. Among the neat Orthodox headstones, near a small chapel, I found the lonely corner where the general's daughter is buried. Under a small pine tree, plastic flowers are scattered around a simple black marble headstone inscribed "Ana Mladic, 1971-1994." A cigarette butt was stubbed into the earth nearby. Caretakers told me Ana's family never visits, but somehow I sensed the spirit of the general, who adored his only daughter, coming here to grieve.

Ana killed herself under mysterious circumstances. In Belgrade, I got different versions: that she had read an account of her father's atrocities in a newspaper and felt sickened, unable to live with the name Mladic; that Ana, a medical student, had come back from a conference in Russia,

EUROPE WAR

where she had been abused on account of her father, suffering some kind of emotional trauma; or that simply, like many of her compatriots, she was tired of living with war. Whatever motivated Ana to take her own life, she did it in dramatic fashion—shooting herself with her father’s favorite gun.

Those close to him say that perhaps it was Ana’s death that spurred him deeper into savagery. “Some people think he went mad,” one of Mladic’s commanders told me as I met him one afternoon in a grand but faded café on Belgrade’s Knez Mihaila Street. The man, who goes by the nom de guerre Jovan, knew Mladic and his moods well, and expressed admiration for the general, who, he said, was well respected by his men because he was an excellent soldier who did what he demanded of others. “If they did push-ups, he did push-ups,” Jovan said. But after Ana’s death, he changed.

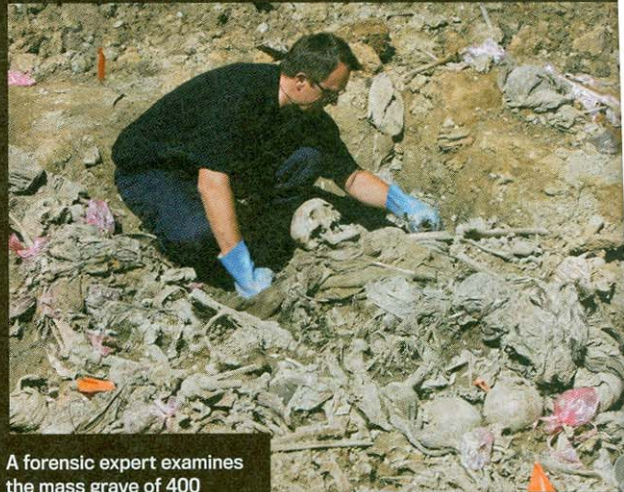
“Mladic’s life had two phases—before and after the death of Ana,” Jovan told me. He had to run an army, win a war. But his heart and spirit were broken. “He never recovered,” Jovan said. “He was a broken man.” Bitter military losses followed. And something else. “Do you know what happened a year after Ana died?” Jovan asked me, bowing his head.

One word: “Srebrenica.”

EVEN AMONG THE Balkan atrocities, Srebrenica is a particularly black mark on European history. In 1993, after Serb forces had laid siege to the former mining town in eastern Bosnia, I went to the mayor’s office in Tuzla and communicated by radio with the city’s defenders inside. Supposedly protected by U.N. forces, Srebrenica was endlessly shelled, with surgeons operating without anesthetic and no humanitarian convoys able to break the blockade. “In the name of God, do something,” one man pleaded to me, indelibly etching the terror of his voice on my memory.

After the city fell to Serb forces three years later, during an unrelentingly hot summer, refugees flooded out of the city, carrying horrific stories of murder, rape, and starvation. The Serb soldiers had separated boys and men from women, as Dutch U.N. peacekeepers supposedly kept guard. A little girl waved goodbye to her father after lunch and never saw him again until he was pulled out of a mass grave. A mother told me of how she had dressed her 13-year-old boy like a girl so that he wouldn’t be rounded up and killed in the woods. He was ripped from her arms.

For the thousands of women who were held in “rape camps” in eastern Bosnia, for the families of the countless people who were “ethnically cleansed,” for war-crime investigators, and



A forensic expert examines the mass grave of 400 victims of the 1995 massacre near Srebrenica.

for those of us who helplessly witnessed the destruction of Sarajevo, it was imperative to find Mladic. He had to stand trial if there was ever to be even a semblance of justice. The Balkan wars inflicted trauma not just on the people of Bosnia, on the Serbs, the Croats, and the Muslims, but on Europe as a whole, shamed by its own impotence in the face of slaughter.

So why did it take so long to catch this aging, ill man?

Zoran Dragisic, a professor in terrorism studies at Belgrade University and an authority on the Mladic hunt, says the general was able to evade justice for so long because Serb government agents within the military and security forces protected him. Serge Brammertz, the ICTY prosecutor, was methodical but often thwarted by internal leaks.

The United States and Serbia offered more than \$1 million in reward. But the bounty hunters didn’t linger long, frustrated by the wild topography of the country—and its laws, which forbid bounty hunting. Ordinary Serbs themselves shuddered at the thought of collecting the reward. “Whoever takes it would die in about two minutes,” a Serb man told me. “Remember, there are still many people who see Mladic as a hero.”

Not that there weren’t any close calls—there were many. Three years ago, Mladic was spotted in a remote village. But by the time the authorities arrived, he had been alerted and vanished into thin air. One Serb officer told me that a man in a Belgrade apartment block reported a suspicious-looking character who had moved in next door. The man, it seemed, moved only at night. He was—facts re-

FROM LEFT: RON HAVIV—VIF (2), DANILO KRSTANOVIC—REUTERS (2), DARKO VOJNOVIC—AP

DAYS OF DESPAIR

APRIL 1992



Shelling the city relentlessly and starving its citizens, Gen. Ratko Mladic lays siege to Sarajevo.

SEPTEMBER 1992



Serbian forces drive Muslims and Croats from eastern Bosnia amid reports of murder and rape.

NOVEMBER 1993

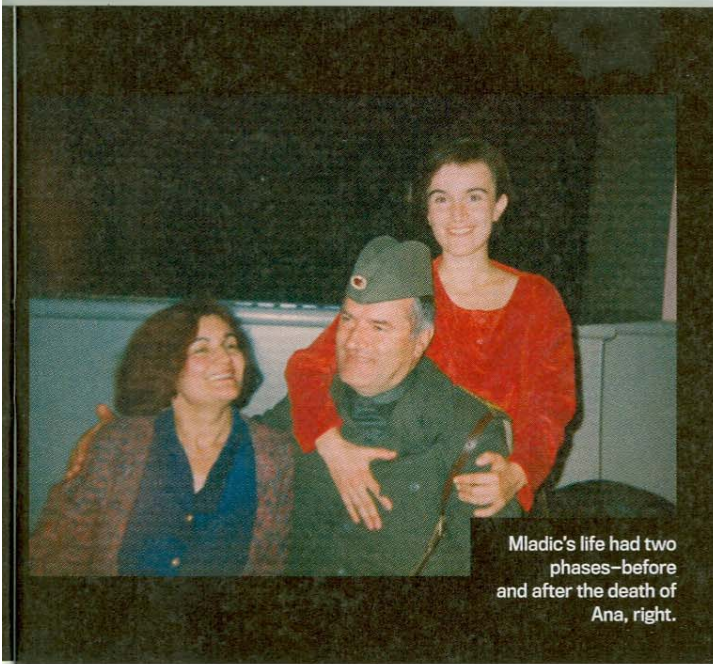


In an 18-month siege, much of Mostar is destroyed—including its cherished 16th-century bridge.

MARCH 1994



Mladic’s 23-year-old daughter commits suicide, reportedly plunging him into a deep depression.



Mladic's life had two phases—before and after the death of Ana, right.

vealed later—Ratko Mladic. But by the time the police arrived, obstructed by Mladic loyalists, the general was gone.

The incredible stories of Mladic's escapes fueled a number of conspiracy theories (a Balkan specialty). One had it that Mladic had made a deal with the late Richard Holbrooke, the American diplomat who had negotiated the Dayton peace accords, ending the war in 1995. "Mladic was in charge of welcoming the American troops into Bosnia shortly after Dayton in early 1996," says Dejan Anastasijevic, a leading Serb investigative journalist. "It is widely believed that the Americans said if he cooperated and did not run for political office, he would escape the long arm of The Hague." Another theory holds that the Americans, who trained Croatian troops in Operation Flash, which helped the Croats take the Krajina region from the Serbs in 1995, struck a deal with Mladic: Krajina in exchange for his immunity after the war was over. Kati Marton, Holbrooke's widow, dismissed this alleged deal as a "ridiculous rumor" concocted by Radovan Karadzic, the former Bosnian Serb leader who is currently on trial at The Hague. "I'm telling you flat-out, it never happened," she says. "Richard only met with Mladic once, and that was when Milosevic sprung him on Richard and his negotiating team in the summer of '95 in Belgrade. Richard did not shake hands with [him] ... and would not negotiate. Richard would be very, very happy with this event, and I deeply regret that he did not live to see it."

THE CRAZY HOUSE is a nondescript café in New Belgrade,

where diehard fans of Mladic gather beneath portraits of the general and Karadzic, who was captured and brought to The Hague three years ago. The men calmly reading the sports pages and eating hard-boiled eggs do not see either of those men as war criminals. But elsewhere in Serbia, many I talked to on my visit spoke with hope of Mladic's capture. They wanted to stop worshipping idols from the past; like Mladic's victims, their lives had been shattered by the wars, too. "Mladic sees himself as a man of honor," Vladimir Vukcevic, the Serbian chief prosecutor, told me. "It's a strange man of honor who [keeps] an entire nation hostage and doesn't allow us to move forward."

And earlier this year a diplomat presciently told me: "This is the year it must happen." Serbia is currently in the process of applying for European Union membership—something that would break the country's isolation and pariah status, and offer tangible economic benefits. Getting Mladic, however, had been presented as a condition for membership. (Another conspiracy theory: some in Serb government circles always knew where Mladic was, but didn't offer him up to the ICTY until they felt it was worth it—there were too many euros at stake.)

Certainly, with 20 percent unemployment and an entire generation of young Serbs demoralized by the war and its aftermath, people want change. And perhaps it's coming. At the 15th-anniversary commemoration of the horrors of Srebrenica, President Tadic attended—a first, and a symbolic gesture that many saw as a vivid break with the past.

I went to that commemoration, too. It is hard for me to go to Srebrenica—a city now almost entirely inhabited by Serbs, its Muslim population erased—without thinking of what might have happened had the international community acted sooner. What would have happened had Ana not killed herself, but instead pleaded with her father to stop the killing?

Leaving Belgrade, I drove by Mladic's old house, a modest white villa in the Banovo Brdo neighborhood. His son Darko, 35, lives there now with his wife, a Muslim woman who became an Orthodox Christian, and their two little children. At the house, I noticed the small garden littered with children's toys, a bicycle parked outside, and a scooter discarded under a staircase—fragments from an ordinary life. But what the tableau failed to reveal were the missing years, all that time Mladic spent in hiding—holding an entire country hostage, delaying the reckoning.

It eventually came. **NW**

Di Giovanni's next book, Ghosts by Daylight: Love, War, and Redemption, will be published by Knopf in September.

FROM LEFT: ULRICH LADURNER—DIE ZEIT HAMBURG; ANDREW TESTA—PANOS; JOHN RUHOFF—AFP—GETTY IMAGES; PAUL VREKER—REUTERS; JERRY LAMPEN—AFP—GETTY IMAGES

JULY 1995



Mladic's forces slaughter 8,000 Muslims in Srebrenica, Europe's worst massacre since World War II.

AUGUST 1995



Attacks on a Sarajevo market prompt intensified NATO airstrikes, paving the way for peace accords.

APRIL 2001



Slobodan Milosevic is arrested, becoming the first former head of state to face war-crimes charges.

JULY 2008



With former politician Radovan Karadzic's capture, the international manhunt zeroes in on Mladic.

Capital News
Tuesday, 7 June 2011

Kenya files appeal against ICC move

BY ROB JILLO



NAIROBI, Kenya, Jun 6 - The government has appealed against a decision of the International Criminal Court to reject its admissibility case on the Kenyan situation.

In the appeal filed on Monday, Government of Kenya lawyers Sir Geoffrey Nice QC and Rodney Dixon said the Pre-Trial Chamber II erred in rejecting the government's challenge to cases facing Deputy Prime Minister Uhuru Kenyatta, Head of Civil Service Francis Muthaura and former Police Commissioner Hussein Ali.

Others are suspended Higher Education Minister William Ruto, Tinderet MP Henry Kosgey and Radio Presenter Joshua arap Sang.

"The Government of Kenya's appeal is based on errors in procedure, in fact and in law. The Government of Kenya submits that the Pre-Trial Chamber erred in procedure, in its factual findings and in law in its decision that the case(s) are admissible before the ICC," the lawyers stated to the ICC Appeals Chamber Judges Daniel David Ntanda Nsereko, Akua Kuenyehia, Sang-Hyun Song, Erkki Kourula and Anita Ušacka in their application.

The lawyers contend that the Pre-Trial Chamber's refusal to hold an oral hearing was a procedural error.

"It was a serious error of the Pre-Trial Chamber not to allow the Government of Kenya, and other parties, a Status Conference that could permit all parties, including the Government of Kenya, to make oral public representations about the procedure that it would have been appropriate to follow in this, the ICC's first full Admissibility Application of this type, and not to decide, in principle, thereafter to

hold an Oral Hearing on the merits," the lawyers said in the application.

The Government contends that the Pre-Trial Chamber erred in holding that there was no link between the Government's admissibility application and its request to the Prosecutor to assist it with investigations he has collected.

"The Government of Kenya did state in its application that receiving assistance from the Prosecutor was directly relevant and related to its application."

In the Appeal application the lawyers said that the Pre-Trial Chamber lost an opportunity to get full facts on the progress of the investigations when it reject the possibility of oral submissions from Kenyan authorities including the Commissioner of Police.

"Evidence that would have been available to the Pre-Trial Chamber has not been heard. For example (and only by way of example), oral evidence of the Commissioner of Police would have provided concrete details of the investigation into the six Suspects and would have explained the history to date in a way that would not have justified jurisdiction of Kenya being lost to the ICC for these cases," Mr Nice and Mr Rodney said in the court papers.

"Yet it was for a purported lack of these very details that the Chamber rejected the Government's admissibility application. A great deal of other evidence could, and would, have been available to the Pre-Trial Chamber but cannot now be considered unless the present decision is reversed and the Appeals Chamber decides to remit the case for further hearings by the Pre-Trial Chamber."

The lawyers urged the Appeals Chamber that: "The Government of Kenya will respectfully invite the Appeals Chamber to overturn and reverse the Pre-Trial Chamber's decision and hold the two cases not to be admissible before the ICC. Alternatively, and depending on the Appeals Chamber's own view of the evidence already presented and to be available by the time of any final hearing or determination by the Appeals Chamber of this appeal, the Appeals Chamber could return the matter to the existing - or a reconstituted - Pre-Trial Chamber to hear and assess evidence on issues of complementarity together with argument from all parties."

Last week the Pre-Trial Chamber dismissed the Government's attempt to block the two cases before the court saying there was no proof that that it is tasking up cases against the perpetrators of the post election violence.

Agence France Presse

Wednesday, 8 June 2011

Judges dismiss call to probe new Khmer Rouge case

The Extraordinary Chambers in the Courts of Cambodia (ECCC) on Tuesday rejected demands to pursue a politically-sensitive new Khmer Rouge case that has divided the court.

The investigating judges said the prosecution failed to follow procedure when filing a request for unnamed suspects to be interviewed for their alleged crimes as members of the brutal 1975-79 regime to be prosecuted.

In a written statement, the judges said international co-prosecutor Andrew Cayley's request was invalid because he hadn't done the necessary paperwork to file the requests without the backing of his national counterpart.

Cayley and his Cambodian colleague Chea Leang are openly at odds over how to proceed with the case, with Leang saying the suspects, thought to be two ex-Khmer Rouge commanders, are outside the court's jurisdiction.

Cayley can appeal the judges' decision not to pursue an investigation but the announcement appears to signal their willingness to close the tribunal's controversial third case, prompting fears the court is caving to government pressure.

"The judges are using questionable legal technicalities to try to avoid the very important substantive issues raised by Cayley," said Anne Heindel, a legal adviser at the Documentation Centre of Cambodia, which researches Khmer Rouge atrocities.

"It's the continuation of their attempts to kill case three."

In its landmark first trial, the tribunal sentenced former prison chief Kaing Guek Eav, better known as Duch, to 30 years in jail in July for overseeing the deaths of 15,000 people.

That case is now under appeal, while a second trial involving four of the regime's most senior surviving leaders is due to start later this month.

The court is still investigating a fourth case against three more suspects, believed to be mid-level cadres. But it too is shrouded in secrecy and faces stiff government opposition.

Prime Minister Hun Sen has repeatedly voiced his objection to further trials, saying they could plunge the country into civil war, and observers widely expect the third and fourth cases to be dropped.

Led by "Brother Number One" Pol Pot, who died in 1998, the Marxist Khmer Rouge regime emptied cities in the late 1970s in a bid to create an agrarian utopia, executing and killing through starvation and overwork up to two million.

Source:AFP

Voice of America

Monday, 6 June 2011

US Play Explores Cambodia's 'Extraordinary Chambers'

Cheang Sophinarath, VOA | Los Angeles, California

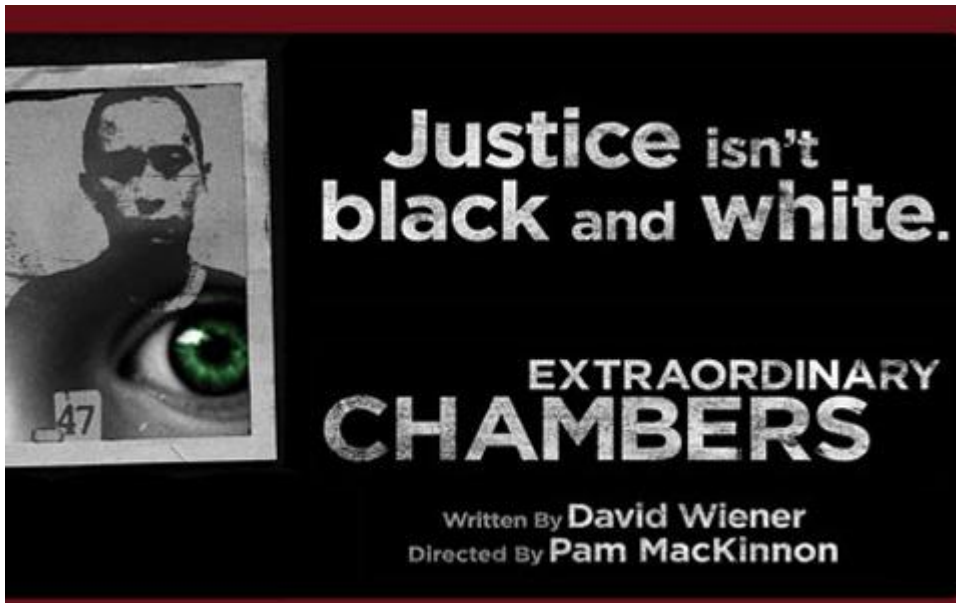


Photo: Courtesy of Geffen Playhouse

“Hopefully, if the play is successful, more people will come see it and will spread the word about the subject.”

Inspired by the Khmer Rouge-era story he heard from a Cambodian friend in 2008, an American writer is now trying to translate that experience for theatergoers in California.



Courtesy of Geffen Playhouse

Cambodian survivors at the opening night of "Extraordinary Chambers".

Writer David Wiener says his play, "Extraordinary Chambers," is a discussion about how Americans "engage in the history of Cambodia."

Named after the official moniker of the UN-backed Khmer Rouge tribunal, the Extraordinary Chambers in the Courts of Cambodia, the play also looks at Western involvement in "controversies" surrounding the court, he said.

The play tells the story of an American businessman, Carter Dean, who travels to Phnom Penh with his wife and becomes more and more involved in Cambodian intrigue and the ghosts of its past.

"I want to think that the characters of the play have experiences that show the extraordinariness of their own hearts," Wiener told VOA Khmer in an interview last week, following opening of his show in Los Angeles.

As the story moves along, Dean and his wife meet a Cambodian child they hope to adopt. But along the way, they are continually faced with the problems of modern Cambodia—and some memorable villains.

The story was inspired by Wiener's own experience in Cambodia, where he befriended a tour guide in 2008 and heard the man's story under the Khmer Rouge.

"I was so moved by what he and his family experienced, and amazed that he, a former high school physics teacher, had survived what was a dangerous time for people," Wiener said.

Wiener hopes the play will help people understand that "we are not so different," he said. "There seems always to be a notion that it could not happen here, and people here are incapable of doing what the Cambodians did. But I don't think that's true."



Courtesy of Michael Lamont

Francois Chau in the world premiere of David Wiener's *Extraordinary Chambers* at the Geffen Playhouse. For his characters, and for the audience, he said, "your circumstances in the end define how far you are willing to go to preserve your survival and that of those you love."

"*Extraordinary Chambers*" includes a villain role played by Cambodian-American actor Francois Chau.

"If we can help make it more public what happened and what's going on and more people find out about it, even if it's just one or two more people who find out about it, that's great," he said in an interview. "Hopefully, if the play is successful, more people will come see it and will spread the word about the subject."

The play's managing director, Ken Novice, said it was important for an American audience to better understand the tragedy of the Khmer Rouge.

"What happened in Cambodian, what happened in Nazi Germany, what happened in various place around the world, we know continues to happen," he said.

"This particular story is very moving, particularly not only for people who are of Cambodian origin but also just the American population," he said. "To see the story and to remember how this is possible and how this could happen and how this could happen again, and how this may be happening right now, is very, very important for the American audience to see."

"*Extraordinary Chambers*" is showing at the Geffen Playhouse in Los Angeles through July 3.

Council on Foreign Relations

Tuesday, 7 June 2011

The Trials of International Tribunals

By Stewart M. Patrick



Munira Salihovic poses with picture of her three sons and husband, who were killed during the Srebrenica massacre (Dado Ruvic/ Courtesy Reuters).

Champions of international justice have been heartened by recent events. Last week, the Serbian government finally arrested Ratko Mladic, remanding the butcher of Srebrenica to The Hague to stand trial before the International Criminal Tribunal for the former Yugoslavia (ICTY). On the same day, the International Criminal Tribunal for Rwanda (ICTR) indicted a leading Tutsi genocidaire, Bernard Munyagishari. In the coming days, the International Criminal Court (ICC) is expected to indict Libyan dictator Muammar al-Qaddafi on charges of crimes against humanity, as requested by Chief Prosecutor Luis Moreno-Ocampo. After years of impunity, might the long arm of the law finally be catching up with perpetrators of mass atrocities?

But before getting too excited, we need to put these victories in perspective. International criminal tribunals are rife with shortcomings—and should remain only a secondary option, when local forms of delivering justice are impossible.

Consider the uneven record of ICTY and ICTR. Both tribunals took years to establish and begin criminal proceedings, and neither has enjoyed the resources or scope to try but a handful of those accused of atrocities. In a decade and a half, ICTY has managed to sentence 64 defendants and acquit 12 (with three dozen trials still in its docket). ICTR's record is even more modest, having sentenced 46 and acquitted 8 (with two dozen trials still pending). The inability of the Rwanda court to try more than a handful of alleged genocidaires left thousands languishing in jail for years, until they were released to face informal modes of justice. Beyond these operational difficulties, both courts have suffered attacks on their illegitimacy from supporters of the accused.

Nor has the International Criminal Court (ICC) done enough to fill the vacuum. The Rome Statute, negotiated in 1998, created the ICC as a permanent judicial body with jurisdiction over four specific atrocity crimes: genocide, ethnic cleansing, war crimes, and crimes against humanity. The ICC has jurisdiction only when a state is unable or unwilling to conduct its own investigation. The ICC began operations in 2002. It did so without the participation of the United States, concerned that the Court's independent prosecutor, operating outside the consent of the UN Security Council (UNSC), could launch politically motivated, unwarranted prosecutions, effectively violating U.S. sovereignty.

The ensuing years suggested that U.S. fears were overblown: the court has taken a cautious stance in choosing its cases. On the other hand, the high hopes of ICC enthusiasts have been disappointed. To date, the Court has exercised jurisdiction in only six instances. In three—Uganda, Democratic Republic of the Congo, and the Central African Republic—that referral came from the state itself. In the cases of Kenya and Libya, the ICC Prosecutor himself took the initiative. In the case of Darfur, the ICC responded to the UNSC referral.

The ICC's heavy focus on African countries has fueled criticism of postcolonial bias among many African commentators. The Court has also been beset by internal management problems and often lacked sufficient external expertise to prosecute senior leaders. Even more frustrating is the failure to apprehend indicted suspects—a weakness that reflects less on the ICC than on the most powerful UN member states, which have lacked the political will to enforce the court's writ. Despite the active support of the Ugandan government, for example, the notorious rebel leader Joseph Kony remains at large. Potentially most damaging has been the failure of the UNSC to do anything significant to bring the Sudanese leader Omar al-Bashir to justice. Despite his indictment, Bashir has continued to gallivant around Africa and Arabia, even to states that are party to the Rome Statute, like Chad and Kenya. If the ICC experiences the same difficulty in bringing Qaddafi to justice, it will suffer another grievous blow to its credibility.

Given the pitfalls of international tribunals, a number of international lawyers are calling for greater investments in prosecuting human rights abuses at the national level. In a thoughtful new Council Special Report, David A. Kaye, the executive director of UCLA Law School's international human rights programs, suggests that the United States and other international actors might get more bang for the buck in building up national systems of domestic accountability.

As Kaye explains in *Justice Beyond The Hague: Supporting the Prosecution of International Crimes in National Courts*, local justice has distinct advantages to international tribunals. Among other things, it brings accountability to the local level, increasing the perceived legitimacy of prosecutions. It allows nationals themselves to remove and stigmatize officials. And it helps to restore political stability in post-conflict societies, while rebuilding local judicial institutions. Accordingly, Kaye recommends that the United States government embrace a strategy to work with other wealthy donor countries, to help develop accountability mechanisms and shore up domestic justice structures in developing countries.

This is sound advice, subject to one big caveat: such an approach will only work when there is a local partner government willing to take such judicial proceedings seriously. It is not likely to work in a case like Sudan or Libya, where a criminal government is entrenched, or in cases like former Yugoslavia, where no credible government exists to prosecute mass atrocities. The logical conclusion is that international justice will continue to rely on the ICC—or other, ad hoc bodies established by the UN Security Council—as complements to national judicial processes. In the case Ratko Mladic, for example, ICTY will at last provide the relatives of his victims with the solace that justice deferred was not justice denied.

Special Court Supplement
Yesterday's Outreach at FSSG by Principal Defender Claire Carlton-Hanciles



