SPECIAL COURT FOR SIERRA LEONE
OUTREACH AND PUBLIC AFFAIRS OFFICE

The clock tower at the East End Police roundabout. Courtesy: Richard Sylvah

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:
Thursday, 18 March 2010

Press clips are produced Monday through Friday. Any omission, comment or suggestion, please contact Martin Royston-Wright Ext 7217
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Interview with Joseph Kamara Former Acting Prosecutor For the Special Court for Sierra Leone

By Angela Stavrianou, The Hague

The Defence opened its case in 13 July 2009 in the Charles Taylor Trial. On December 9 2009, CARL’s Angela Stavrianou sat down to speak with Mr. Joseph Kamara, the then Acting Prosecutor in which she asked him questions relating to the trial and its progress thus far.

CARL: What is the biggest challenge for the Prosecution in this case?

Kamara: One of the main challenges for the prosecution is to show the linkage between the crimes committed by rebel groups and others, and Mr. Taylor. In order to prove our case against Charles Taylor, the Prosecution must do two main things – first, we must prove that the various crimes charged in the eleven count indictment were committed, amongst which are; murder, rape and other sexual violence crimes, amputations, and the use of child soldiers.

Second, we must prove that Mr. Taylor himself is guilty of these crimes.

We have charged that Mr. Taylor is criminally responsible for the crimes set out in the indictment because he planned, instigated, ordered, and otherwise aided and abetted the crimes, because of his participation in a joint criminal enterprise or common plan design or purpose, and because he failed to prevent or
punish these crimes committed by his subordinates.

**CARL:** What are the biggest problems that the Special Court is facing?

Kamara: Outside of the work related to the trials, the biggest challenge the Special Court is facing is funding. One thing that makes us different from the tribunals for Rwanda and the former Yugoslavia is how we get our financial support. Whereas they get their financing automatically from the United Nations member states, we rely on voluntary contributions of UN Member states. Basically, we have to fundraise.

Over fifty Member States have given money to the SCSL, but we must go back to our largest and smallest donors to seek support every year. Where, as with the SCSL, funding is optional, each funding cycle donor countries may choose to maintain funding levels, decrease them, or to not give at all. These choices are now impacted by the economic difficulties so many countries are facing. And with the Taylor trial in full swing, the Court still has tremendous funding requirements, from travel of Defence witnesses to OTP investigations in order to challenge and test the Defence evidence, to paying for Mr. Taylor’s full defence team and resources.

**CARL:** What are your comments in relation to complaints by the Defence that the resources of the Special Court are unequally distributed in favour of the Prosecution?

Kamara: This is just one of the many claims the Defence has made to try and portray Mr. Taylor as receiving less than what is an absolutely fair and transparent trial. It is part of their effort to portray him in the media as a victim in this process. Here are the facts. Charles Taylor is receiving more money and support for his defence than has ever been provided to any Accused in the history of international tribunals.

He has a team of highly experienced lawyers, led by Courtenay Griffiths, a Queen’s Counsel barrister from the UK. He also has numerous other lawyers, investigators, interns, and office space in The Hague and in Freetown. He has been given the opportunity to present a full case and to tell his side of the story during some 13 weeks of direct examination, running to over 7200 pages of transcript, and involving some 300 documents. And let’s not forget, the Defence does not have the burden of proving a case.

Compare all that with what the average Defendant gets in other tribunals or in any domestic system, and you see the full extent of the resources provided to Mr. Taylor for his defence. These other defendants received fair trial though the degree of support was less in their cases, so it can hardly be said Mr Taylor is receiving insufficient support for his defence.

Charles Taylor is being tried before a panel of independent judges, who ensure he receives all rights afforded him. There are also journalists, numerous NGOs - such as CARL - and legal experts monitoring the trial and making sure his rights are respected.

In short, Mr. Taylor has rights, resources and protection. None of his alleged victims were so lucky.

**CARL:** A key aspect of the Defence case is the suggestion that the Prosecution is bribing witnesses to provide evidence against Mr. Taylor. What is your response to this allegation?

Kamara: This is another claim the Defence likes to make in the media, in part to once again portray their client as the victim of an illegitimate process. Since this is an issue that is before the judges, Mr. Griffiths should know better than to break the rules of conduct of this Court by making specific comments on this publicly.

**But let me say this** - all disbursements to witnesses follow the Rules governing such disbursements, and they are disclosed to the Court and the Defence. The Witness Victims
Section (WVS) of the Court makes most of these, not the Prosecution, and they are part of the Court Registry. And what the Defence fails to mention is that in nearly all trials, both the Prosecution and the Defence make disbursements to witnesses for care, protection, and other necessary reasons.

**CARL:** Courtenay Griffiths has expressed concern that there is only one West African, Mohamed Bangura, on the Prosecution team, in a case that primarily concerns the people of West Africa. What are your comments on this issue?

**Kamara:** As a Sierra Leonean, I find it interesting that Mr. Taylor and his lawyers are suddenly so concerned with the well being of the people of the country. This is the ultimate irony from a man accused of bringing misery to the people of Sierra Leone.

The focus is not on the nationality of the personnel, but the quality and integrity of the process. Nonetheless, in the Office of the Prosecutor, we have personnel from Ghana, Tanzania, Canada, USA, Macedonia, UK, Caribbean, Sierra Leone and Liberia. Thus I am surprised at the comments of Mr. Griffiths, as I have respect for him as a seasoned practitioner, but these are not only misleading but equally mischievous. Again, I will implore to my colleagues to focus on the issues at trial.

At any rate, Sierra Leoneans and Liberians alike have been instrumental in all stages of the case against Mr. Taylor, from the investigators who helped gather the evidence, to the witness management staff, and to our trial lawyers.

Further, Mr. Taylor is charged with horrible atrocities under international criminal law. International crimes are an international responsibility. I am proud that the Prosecution has enjoyed the support of lawyers, investigators, and other staff from all over the world, from Uganda to the United Kingdom.

**CARL:** What do you think the Special Court has achieved to date, both in Sierra Leone and in terms of International Criminal Law?

**Kamara:** The Special Court has achieved so much for Sierra Leone, and for the sub-region. Let’s start with what it has done to ensure peace.

Without the Special Court, none of the leaders of the rebel groups that tore this country apart would have ever faced justice. They would be free to walk the streets of the country’s cities and towns with impunity. In the Lomé Peace Accord, the former rebel leader Foday Sankoh was made Vice President and the RUF gained control over the country’s diamond mining areas. And we all know the violence that occurred after this accord. Who can say with confidence there would have been no return to the violence and suffering brought by these leaders?

Further, Charles Taylor would today be a free man in the sub-region, and free to plan as he wished in Liberia and for Sierra Leone, instead of facing justice in a court of law for the crimes he is accused of.

You cannot put a price on peace, and you cannot put a price on justice. The work of the Court has been one of the reasons Sierra Leone and even Liberia has been able to move forward since the dark days of the war.

The BBC and the Special Court have both conducted public opinion surveys, and the results show that the majority of Sierra Leoneans strongly support the work of the Court. They believe it has made a difference to their lives and to the country.

The Court has also greatly encouraged the respect for the rule of law domestically, and has spread knowledge of the importance of this principle throughout the country. The Outreach department has been key in this regard, spreading the message of the Court’s work and its principles to every city and town in the country.
The Court has also undertaken activities designed to leave behind a positive legacy. The hope of the SCSL and the OTP is that it has and will achieve something far beyond its mandate and impart skills, legal and non-legal principles and even infrastructure to the country.

One area where this legacy is being ensured is in the trainings the SCSL provides. Hundreds of police officers, lawyers, students and even Parliamentarians and judges have attended seminars or received trainings on a wide variety of topics, from International Humanitarian Law to criminal investigations practices.

As far as International Law, the list of key precedents established by the Court is truly impressive: the world’s first recognitions of the use of child soldiers and of forced marriage as crimes under international humanitarian law, and the first-ever convictions on these charges; the first-ever convictions on the charge of Attacks on UN Peacekeepers. These rulings have the potential to help protect civilians and soldiers alike in the conflict zones of the world.

Finally, the example of the Charles Taylor on trial, like Slobodan Milosevic at the Yugoslavia tribunal before him, shows that no man is above the law. It shows that when it comes to indicted accused war criminals, it’s not a question of if they will face justice, but when.

**CARL: What is the Prosecution’s timeline for the Cross-Examination of Taylor?**

Kamara: We are going to try and be as efficient as we can, while still doing justice to our need to effectively challenge Mr. Taylor on the truthfulness of his testimony. We do not intend to take as long as the 13 weeks the Defence took for the direct-examination.

How directly or evasively Mr. Taylor chooses to answer our questions will be a significant factor in how quickly we can proceed.

The Judges’ 30 November ruling affirmed the Prosecution’s right under the established principles of international law to use new materials to impeach the credibility of the Accused. We’ve already tested the credibility of Mr. Taylor’s claims on a number of fronts, and our cross has only just begun. He challenged us to bring forth evidence of the wealth he accumulated while in power. We were pleased to do this. And throughout our cross we will confront his claim that he was a peacemaker in Sierra Leone. Our evidence shows just the opposite.

We are very pleased with where the trial is now, as we break for the holiday recess. And we’re very much looking forward to confronting Mr. Taylor with more material as soon as trial resumes on January 11.

**CARL: What is the proposed use of the Special Court facilities in Freetown following the trial?**

Kamara: Discussions are ongoing between the Court, the Government, and also the international community, but no final decisions have yet been reached. One aspect of the Court that has already been determined is the former prison facility for the indictees who have now all been transferred to Rwanda. That facility has been transferred over to the Government for their own use as a prison facility for women and possibly for younger offenders. As for the rest of the Court, one of the possibilities is to use it as a judicial training facility, possibly for the ECOWAS countries. There is also a planned museum and/or memorial of some kind on the Court premises that will be open to the public. This will focus on the civil war and to a smaller extent on the history of the work of the Court and the cases.

**CARL: Who are you expecting the Defence to call in support of their case?**

Kamara: Although they have filed summaries for some 260 witnesses and loudly proclaimed their preference for a public trial during the Prosecution case in chief, the Defence successfully applied to keep the names of those witnesses hidden from the Prosecution until 21
days before each witness testifies. So, to date, the Prosecution is only aware of the names of few Defence witnesses in addition to the Accused. We hope that however many witnesses they are allowed to call, the Defence proceed with their case in an efficient and responsible manner, as the Prosecution sought to do during its case.

CARL: In such a high profile case, what is the effect of prejudice on the trial?

Kamara: The Defense likes to say that the public mind has been so “prejudiced” against Mr. Taylor by the Western media that he cannot get a fair trial. This is another ploy to distract from the case against their client. Once again, it is a distortion of the truth. It is also insulting to the professional and independent Judges who are hearing the case.

This is a trial before professional judges, chosen for their high moral character, impartiality and integrity. For that reason, prejudice should not be a factor.

But remember, when you are speaking of prejudice, you must look at the potential impact of prejudice against the Accused, the Prosecution and the Court itself. Public statements such as Mr. Griffiths has been prone to make, evoking emotive language to deflect from the evidence and the legitimacy of the trial, is prejudicial not just to the Prosecution but is also brings the administration of justice by the Court into disrepute.

Demanding accountability and for an indicted person to stand trial is not prejudice. The fact that in 2006 a coalition of dozens of African NGOs called for Taylor to be handed over to stand trial is not indicative of prejudice, but of the belief that impunity is wrong and accused persons should be brought to trial.

The Prosecution’s position is very simple. Charles Chankay Taylor is before this Court because of his choices and his conduct.

Let me conclude by emphasizing this point: the trial of Charles Taylor could not be more fair, open and transparent. And no amount of misinformation from the Defence outside the courtroom can distract from the evidence presented in Court against Mr. Taylor.

We will continue to challenge Mr. Taylor and the other Defence witnesses with the full weight of our evidence. And we call upon his lawyers to focus on the case as well, and refrain from spouting further poisonous dialogue in the public realm. The real victims deserve better.
New Prosecutor Meets The Press

By John Kollie, BBC World

Service Trust

The newly appointed Prosecutor of the Special Court for Sierra Leone, Brenda Hollis yesterday met journalists for the first time since taking office.

Miss Hollis spoke on a number of issues ranging from the United States' alleged role in the trial of Former Liberian President Charles Taylor.

She also spoke about what the Prosecution might do if the court's judgement goes in favour of Taylor.

The new Sierra Leone Special Court prosecutor denied reports that the United States and Great Britain orchestrated the trial of former Liberian President, Charles Taylor.

Miss Brenda Hollis said it was the Sierra Leone Government that approached the United Nations for the establishment of the Special Court.

Mr. Taylor has consistently said his trial was United States and Great Britain's way of punishing him for standing against their economic interest in Liberia during his presidency.

Miss Hollis also said that she's heading an independent Prosecuting team that takes instruction from nobody.

She dismissed claims that all of the Prosecutors of the Special Court have been Americans.

Miss Hollis emphasized that Desmond di Silva and Joseph Kamara who previously served as Prosecutors were not Americans.

Meanwhile, the Liberian witness testifying in Mr. Charles Taylor's defence continued his testimonies.

The witness testifying under anonymity said the Sierra Leone rebel group, the RUF used arms and ammunition captured from enemies.

He also said the RUF purchased arms and ammunition from Guinean soldiers.
Special Court Prosecutor Speaks On Taylor’s Trial

The newly appointed Prosecutor of the Special Court for Sierra Leone, Miss Brenda Hollis has spoken to journalists for the first time since she took office as a Prosecutor of the court. Miss Hollis spoke to the BBC World Service Trust on a num-
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From front page
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ment that approached the United Nations for the establishment of the Special Court. Mr. Taylor has consistently said his trial was United States and Great Britain’s way of punishing him for standing against their economic interest in Liberia during his presidency. Miss Hollis also told the BBC World Service Trust that she’s heading an independent Prosecuting team that takes instruction from nobody. She dismissed claims that all of the Prosecutors of the Special Court have been Americans. Miss Hollis emphasized that Desmond di Silva and Joseph Kamara who previously served as Prosecutors were not Americans.

Meanwhile, the Liberian witness testifying in Mr. Charles Taylor’s defence continued his testimonies. The witness testifying under anonymity said the Sierra Leone rebel group, the RUF used arms and ammunition captured from enemies. He also said the RUF purchased arms and ammunition from Guinean Soldiers.
Prosecutor denies US influence in Taylor trial

Newly appointed prosecutor of the Special Court for Sierra Leone has rejected claims that the United States and Great Britain orchestrated the war crimes trial of former Liberian president, Charles Taylor.

Miss Brenda Hollis has spoken to journalists covering the trial in The Hague for the first time since she took office as a prosecutor of the court. She spoke on a number of issues ranging from the United States’ alleged role in the trial of Taylor, to what the prosecution might do if the court’s judgement goes in favour of the former warlord.

According to the prosecutor, it was the Sierra Leone government that approached the United Nations for the establishment of the Special Court.

Mr. Taylor has consistently said his trial was United States and Great Britain’s way of punishing him for standing against their economic interest in Liberia during his presidency. But Miss Hollis said: “I am heading an independent prosecuting team that takes instruction from nobody”.

She also dismissed claims that all of the prosecutors of the Special Court have been Americans, emphasising that Desmond di Silva and Joseph Kamara (Sierra Leonean) who previously served as prosecutors were not Americans.

Meanwhile, the Liberian witness testifying in Charles Taylor’s defence continued his testimonies yesterday.

The witness, testifying under anonymity, said the Sierra Leone rebel group, the RUF used arms and ammunition captured from enemies.

He also said the RUF purchased arms and ammunition from Guinean soldiers.
Fambul Tok empowers south-eastern women

Fambul Tok International Sierra Leone (FTI-SL), a ground implementer of community reconciliation in the country, has successfully concluded consultative training programmes for the newly established Fambul Tok Women Support Groups in Kailahun, Kono and Moyamba districts.

The purpose of the training, according to the Executive Director of Fambul Tok International John Caulker, was to train and empower women (peace mothers) on communication and listening skills, on how to moderate radio discussion programmes and how to address issues in different communities.

Caulker said the idea of assisting women after traditional ceremonies had been a major challenge. He said FTI-SL does not give money but create space for other organizations to render assistance to communities, adding that their role is to facilitate the process of reconciliation but does not receive money on behalf of communities.

"We want to ensure that those women that suffered during the war are rendered assistance. FTI-SL does not have fixed funds to give to the women support groups or communities but what it does is to empower women so that they could speak for themselves and if their voices are heard then answers will come," Caulker pointed out.

National coordinator of Women Support Groups, Mariama Koroma condemned the idea of women taking the back seat. She emphatically told her audience that if women are put in positions of trust, they will perform.

Madam Koroma registered her appreciation to Fambul Tok for providing logistics for the training sessions, assuring that the tape recorders, radio sets and other items supplied to them would be used judiciously.

Moreover, participants in all three districts assured that knowledge gained would be transferred. They also agreed to meet regularly and discuss issues. Recordings of various discussions would be aired on community radio stations.

Also in the Timidale chiefdom in the Moyamba district, Paramount Chief Madam Mattu Yeimbo Kaikai informed that her chiefdom was peaceful and that minor cases were now resolved at family level.

In an exclusive interview with Fambul Tok at Bomotoke recently, Mattu Yeimbo Kaikai said since Fambul Tok started organizing reconciliation ceremonies in her chiefdom, people are now working together as one family.

"Local chiefs used to levy heavy fines on people that fell short of the laws of the land but now cases are settled at home and the entire chiefdom enjoys peace," she maintained.

She went on to say that one of the major problems in her chiefdom was that of land but stressed that they had overcome it as land was now shared equitably.

She continued, "last year I witnessed a bonfire here in Bomotoke; I participated and told the audience what my elder brother did to me when our father died but since we have reconciled we are doing fine as he has returned portions of the land he seized".

Madam Kaikai emphasized the need for Sierra Leoneans to reconcile for the development of the country, adding that if we all come together as one big family to embark on development, there will be progress and sustainable peace.

It could be recalled that the Paramount Chief and her elder brother were apart for many years for the fact that Mr. Kaikai took everything since their father died.

Last year Fambul Tok brought them together and since that time they are now working together. Her own share of the family property has been returned.
"War Don Don" examines International Justice

By Michael May

War Don Don is one of the most thought-provoking documentaries you will see this year. It tells the story of the trial of accused war criminal, Issa Sesay, a leader of the rebel army in Sierra Leone during the country's brutal civil war. The rebels not only abducted and trained children to become killers, but also used mass mutilations, rape, murder, and abduction in their campaign to take over the country. Needless to say, it’s hard to imagine how Sesay could be a sympathetic character—the fact that he does not suffer the only surprising thing about the movie, which packs more information in 90 minutes than just about any other film like it.

The film takes you inside the expensive and time-consuming process of international justice. In this case, the international war crimes tribunal sets up a special court in Freetown, and spends more than $200 million on the trials of ten men, who are considered to be the most culpable for the atrocities. The first half of the movie builds the case for justice, by letting you absorb the bone-chilling accounts of the war by the victim’s themselves and taking you along as Chief Prosecutor David Crane travels the country building public relations for the tribunal. It’s easy to see hundreds of villagers crowded around small television sets watching the trial, completely engaged and hungry for justice.

But after the filmmakers have you ready to see heads roll, they slowly unpel the court’s process, leaving you ultimately unsure of Sesay’s guilt, and whether an individual could ever get a fair trial in an international court. In Sesay’s trial, many of the key witnesses and war criminals are being paid handsome salaries to testify. This creates a huge incentive for the witnesses to lie in order to implicate the defendants, but any attempt by the defense to point this out is brushed aside by the judges. It becomes clear that the court has incredible incentive to convict, and the prosecutors take to their role with such eagerness that they paint defendants out to be monsters—the chief prosecutor offers that Sesay “has no soul.” But, at the same time, we see how this effort to cast blame has its own rewards. Through interviews with Sierra Leoneans, we understand how these trials can help a country move towards peace.

But in this context, can an individual get a fair trial? Probably not. The defense argues that Sesay himself was a moderate among the rebels, and actually had a role in protecting individuals. They say that he was far away from where atrocities were happening, and due to the guerrilla nature of the war, probably had limited knowledge of what was happening and no way to stop it if he did. Sesay eventually takes control of the rebel army and offers unconditional surrender. In effect, he was the man who brought peace to the country, even if he had a hand in war. The filmmakers interview Sesay himself in jail, but he remains an elusive figure. The court, unsurprisingly finds him guilty of the most heinous crimes (rape, child soldiers, attacking peacekeepers, etc.).

In the end, the film raises more questions than it answers, which is mostly to its benefit. Mostly too long at 90 minutes. This one felt too short.) The film spends so much time examining international justice, that I ultimately felt like I didn’t fully get to know Sesay. Was he an idealist or an opportunist? What did he know about the atrocities and when? Who exactly did mastermind the scorched earth policy? Does he feel any guilt about his role? These questions will have to wait for the director’s cut.

"War Don Don" was screened on Sunday March 14 at the Alamo South Lamar. The final showing is March 20 at 7:45 at the Alamo Ritz.

But after the filmmakers have you ready to see heads roll, they slowly unpel the court’s process, leaving you ultimately unsure of Sesay’s guilt, and whether an individual could ever get a fair trial in an international court.
Sierra Leonean Rebels Captured Arms and Ammunition From Enemy Forces And Purchased Some From Guinean Soldiers, Witness Says

By Alpha Sesay

Sierra Leonean rebel forces captured arms and ammunition from enemy forces and also purchased some from Guinean soldiers, a defense witness for Charles Taylor told Special Court for Sierra Leone judges today in The Hague. The witness also denied prosecution allegations that Mr. Taylor supplied Sierra Leonean rebels with weapons during the country’s brutal 11-year conflict.

A Liberian national, who in his testimony last week said he was a member of the Sierra Leonean rebel group Revolutionary United Front (RUF), today explaining that whenever the RUF captured positions occupied by forces loyal to government of Sierra Leone, they obtained arms and ammunition from the enemy forces. He also explained how the RUF bought arms and ammunition from Guinean soldiers across the Sierra Leonean border with Guinea.

Prosecutors have alleged that Mr. Taylor provided arms and ammunition to RUF rebels in Sierra Leone, which were used to launch attacks and commit atrocities against civilians. Mr. Taylor has denied these allegations, insisting that his country did not have arms and ammunition to fight rebel forces in Liberia, so he could not have provided any to the RUF.

The witness’s testimony today reiterated the information contained in the 1999 Salute Report prepared by RUF commander, Sam Bockarie, for his leader Foday Sankoh upon his release from jail. In this report, Mr. Bockarie explained how the RUF was run as an organization during Mr. Sankoh’s incarceration. Mr. Bockarie reported that arms and ammunition were captured from enemy forces while some were also bought from Guinean Soldiers. The report did not state anything about the RUF receiving arms and ammunition from Mr. Taylor.

Also in The Hague today, newly appointed Chief Prosecutor of the Special Court for Sierra Leone, Brenda Hollis, spoke with the press and denied suggestions that the United States and Great Britain had influenced Mr. Taylor’s trial. Mr. Taylor and his defense counsel Courtenay Griffiths have consistently said that Mr. Taylor’s trial is a result of a conspiracy by Western countries led by the US and the UK. Ms. Hollis today said that Mr. Taylor is on trial because the government of Sierra Leone requested the UN to set up a Special Court for Sierra Leone that would try those who bear the greatest responsibility for war crimes, crimes against humanity and other serious violations of international humanitarian law committed in Sierra Leone from 1996 to 2002. She added that she is leading an independent team of prosecutors that does not take instructions from anybody. In response to concerns that the position of Chief Prosecutor of the court has been occupied mainly by Americans, Ms. Hollis responded that Desmond da Silva, a British national, and Joseph Kamara, a Sierra Leonean national, have previously held the same position.

Mr. Taylor’s trial continues tomorrow.
Liberia: Witness Concludes His Direct-Examination in Closed Session

Alpha Sesay

A Liberian witness who has been testifying in defense of former Liberian president Charles Taylor today concluded his direct-examination in closed session.

Though the witness has been testifying in open session with partial protective measures, today’s direct-examination was conducted in closed session because certain aspects of the witness’s testimony were too sensitive to be heard in public.

Closed sessions are also sometimes necessary if the judges believe that the witness’s open testimony might jeopardize his own security or the security of other protected witnesses. Shortly before the court adjourned for the day, prosecution counsel, Mohamed Bangura, started the cross-examination of the witness.

During the witness’s cross-examination, prosecutors will seek to discredit the witness’s testimony given in direct-examination.

The cross-examination of the witness continues tomorrow.
UN News
Thursday, 18 March 2010

**UN Expert on genocide prevention travels to West Africa**

Written by UN Information Centre Thursday, 18 March 2010 06:33

PDF Print E-mail

Secretary-General Ban Ki-moon’s Special Adviser on the prevention of genocide is travelling to West Africa to identify how national and sub-regional bodies can help prevent the scourge.

Due to poor weather, Francis Deng’s visit was delayed and he is now scheduled to arrive in the region tomorrow, it was announced today. He will stop in Guinea, Nigeria and Ghana, where he will discuss his mandate with government officials, UN officials on the ground and representatives from the Economic Community of West African States (ECOWAS).

Mr. Deng, a Sudanese scholar and advocate, was named to the post by Mr. Ban in 2007 to collect information on serious violations of human rights that could lead to genocide and to bring potential genocidal situations to the attention of the Security Council.

After holding a range of positions in both the UN and the Sudanese Government, he served as the Secretary-General’s Special Representative on Internally Displaced Persons (IDPs) from 1992-2004.
International Clips on Liberia

**African Aura Mining confirms Liberian iron ore project on track**

[http://www.stockopedia.co.uk/article/view/38542/african-aura-mining-confirms-liberian-iron-ore-project-on-track](http://www.stockopedia.co.uk/article/view/38542/african-aura-mining-confirms-liberian-iron-ore-project-on-track)

African Aura Mining today indicated that its Putu iron ore project in eastern Liberia remains on track, with the target of a 43-101 compliant resource of at least 1 billion tonnes already achieved and a significantly larger resource now anticipated. African Aura is an exploration and development company listed on the TSX-V and AIM. The Company operates three divisions: iron ore, gold and diamonds. The iron ore division includes its stake in the Putu project as well as the Nkout iron ore project and surrounding iron targets in Cameroon. The gold division includes the multi million ounce potential New Liberty greenstone gold deposit, which is being advanced through a bankable feasibility study, and the proximal Weaju, Gondoja and Silver Hills projects all in western Liberia. The diamond division is represented by a 32% interest in AIM listed diamond producer Stellar Diamonds Plc. The Putu iron ore project in Liberia is a 12km long iron rich ridge, located 120km inland from the deepwater shoreline of eastern Liberia.

**Liberian Officials Defamed Medical School After Shakedown Attempts, Doctor Says**

By ELIZABETH BANICKI


LOS ANGELES (CN) - Corrupt Liberian officials with ties to rebels defamed a Liberian medical school, calling it a "diploma mill," when its founder refused to pay bribes, Dr. Jerroll Dolphin claims in a federal class action. Dolphin established the St. Luke School of Medicine in Monrovia, Liberia, in 1998. In 2005, after the school had relocated because of civil war, "organized conspirators and government officials, who were angered because St. Luke School of Medicine refused to pay bribes, attacked SLSOM in the media and on the Internet," according to the 66-page complaint. The medical school and Dr. Robert Farmer are also named plaintiffs. Defendant Mohammed Sheriff, head of the J. R. Kennedy hospital in Monrovia, "asked for a bribe of $6,000 USD a month to make SLSOM a 'credible' institution in Liberia," according to the complaint. Dolphin says he refused to pay. Sheriff, who allegedly has ties to rebels and a reputation of being "very ruthless" and "untrustworthy," intimidated the local press into defaming Dolphin and his school by threatening to have their press passes revoked, Dolphin says. It was a frightening threat, as "The unemployment rate of Liberia at that time was approximately 80 to 85 percent," according to the complaint. Dolphin says at least one other government official also demanded bribes. When he refused to pay, the school was subsequently denounced as a fraud and the diplomas of graduates were no longer accredited, he says.

International Clips on West Africa

**Guinea**

**Chinalco confirms Rio Guinea, Mongolia JV talks - report**
(Reuters) - China's top state-owned nonferrous metals company Chinalco has confirmed that it is in talks with Rio Tinto (RIO.L) (RIO.AX) about potential joint ventures in Mongolia and Guinea, a Chinese newspaper reported on Wednesday. The Oriental Morning Post quoted Chinalco vice-president Lu Youqing as saying the two companies were talking about jointly investing in and developing the Mongolian Oyu Tolgoi copper-gold project, led by Rio's partner Ivanhoe Mines (IVN.TO). He also said they could form a joint venture to develop the Simandou iron ore mine in Guinea, confirming a report in the Australian newspaper The Age on Tuesday.

Ivory Coast

Japan reschedules Ivory Coast's debt, urges election

ABIDJAN (AFP) – Japan on Tuesday rescheduled 91.5 million euros (126 million dollars) in Ivory Coast's debt and urged the divided west African country to hold a long-delayed presidential election. The accord was signed at a ceremony in Abidjan by Ivorian Economy Minister Charles Koffi Diby and the Japanese ambassador, Yoshifumi Okamura. Part of the accord provided for 38 million euros to be repaid over 40 years, with an "exceptional deferment" of more than 42 million euros. "Today, Japan has signed this agreement and thus kept a promise by the Paris Club (of creditor nations). It's the turn of the Ivorians to keep theirs," by holding elections, Okamura said at the ceremony. "I'm a little bit disappointed. The credibility of the Ivory Coast is in danger. Do you know that this lost time will cost dearly, and represents a serious threat for the credibility of Ivory Coast?" the ambassador went on. Ivory Coast is due to hold an election in "late-April-early May," according to a latest agreement reached by President Laurent Gbagbo, the former rebel New Forces (FN) and the political opposition under the aegis of mediator President Blaise Compaore of Burkina Faso.

Ivory Coast-Ghana Mixed Commission To End Oil Dispute

The Ivorian minister for mines and energy said a joint- commission will be setup by Ivory Coast and Ghana "in the next few weeks" to find a solution to a dispute over their maritime border after an oil discovery. Speaking in Abidjan Wednesday following a meeting yesterday in Accra with the Ghanaian president he said "neither side is going to go to war over this. There are mechanisms to resolve this without any friction." He said the presidents of the two countries had met behind closed doors to discuss a modus operandi to end the dispute amicably. Last month the Ghanaian National Petroleum Corporation announced the discovery of "extensive deepwater petroleum province" offshore. The maritime border has never been formally demarcated.

Sierra Leone

British firm wins Sierra Leone airport contract

FREETOWN (Reuters) - A British firm has won a contract worth more than $30 million to repair the cracked, potholed runway at the international airport in Sierra Leone's capital Freetown, the local airports authority said on Wednesday. The poor state of the runway means some modern aircraft are currently unable to land at the West African country's airport. Sierra Leone, a former British colony which is emerging from a decade of civil war which ended in 2002, is attempting to attract international investment, particularly in its natural resources, which include large iron ore deposits. A World Bank grant of $30 million will finance 90 percent of the runway project, and Sierra Leone's government will pay the remaining 10 percent. "To rehabilitate the runway of the international
airport is a milestone in improving our airports to reach international standards," airports authority chairman Hassan Kamara told reporters.

**Local Media – Newspaper**

**President Sirleaf Releases TRC Progress Report**
[Heritage, Public Agenda, The Inquirer, The News]

- A report by President Ellen Johnson Sirleaf on the implementation of the Truth Reconciliation Committee (TRC) report has failed to mention any aspect of the report that has been implemented.
- In a report to the National Legislature, President Sirleaf only mentioned steps being taken to ensure the implementation of some aspects of the TRC report.
- The report spoke of the setback in the full establishment of the Independent National Human Rights Commission (INHRC) due to the rejection of the nominees.
- The President said the rejection of the nominees meant she had to mandate the Chief Justice of the Supreme Court to constitute another vetting committee to recommend qualified individuals to be nominated for confirmation by the Senate.
- President Sirleaf also revealed that she has requested the Law Reform Commission to work with the Justice Ministry to consider the implications of the TRC report.
- She placed emphasis on the recommendations for the setting-up of an extraordinary criminal court, a palava hut mechanism and other criminal and public sanctions.
- Meanwhile, the Senate has sent the President’s report into its committee room while the House of Representatives says it would debate the report Thursday.

**President Sirleaf Declares Today World Consumer Rights Day**
[National Chronicle]

- President Ellen Johnson Sirleaf has by proclamation declared today Wednesday, March 17 World Consumer Rights Day and to be observed throughout Liberia as a working holiday.
- President Sirleaf has meanwhile ordered the Ministry of Commerce and Industry, the Liberia Consumer Association Network and the business community to organize and execute appropriate programmes befitting the day.
- Today’s celebration will be held under the theme, “Our Money, Our Rights.”
- According to a Foreign Ministry release, the day is set aside as an annual occasion for the celebration and solidarity within the international consumer movement.

**UN Deputy Envoy Lauds Chinese Peacekeepers**
[The Informer, National Chronicle]

- UN Deputy Envoy, Ms. Henrietta Mensa-Bonsu has lauded Chinese peacekeepers for contributing to the development of Liberia’s infrastructure and opening up the possibility for Liberians to contribute to their own development.
- Ms. Mensa-Bonsu made the remark Thursday in Grand Gedeh County, where she decorated 558 Chinese Peacekeepers with UN medals for their contributions to peace in Liberia.
- “China has been a strong and real partner in Liberia’s development and has made many significant contributions, such as the rehabilitation of roads around the country,” said Ms. Mensa-Bonsu, adding that Liberians can attest to “the systematic hard work and dedicated services that the Chinese people make daily to the Country’s development.”
- She highlighted the achievements accomplished by the three components of the Contingent, such as maintaining a road network of 303KM, as well as connecting Zwedru to Tappita, Fish Town and Pyne Town.

**Sinoe Caucus Challenges Inter-Ministerial Committee Report**
[National Chronicle, The Inquirer]

- The Sinoe Legislative Caucus has angrily reacted to the report of the Inter-Ministerial Committee on the land dispute between Sinoe and Rivercess Counties.
- The Caucus termed the report which awarded the disputed land to Rivercess as bogus and an act of direct provocation against the people of Sinoe.
• The Co-Chairman of the Caucus said the report by Acting Internal Affairs Minister Peter Kamei was a shameless attempt to deny the people of Sinoe their land.
• Senator Joseph Nagbe however warned that the people of Sinoe will not allow an inch of their legitimate territory to be taken away by Rivercess vowing that they will pursue the case legally.

**Ruling In Angel Togba Case Friday**  

• The two-year old murder trial of 13-year old Angel Togba is expected to reach its final conclusion Friday, March 19, 2010.
• Following final arguments in the ongoing trial, Criminal Court “B” Judge A. Blamo Dixon who is also serving as juror of fact yesterday announced that his 30 minutes judgment will be handed down within 60 hours at 11:00 a.m. in the courtroom.
• In yesterday's argument, the prosecution prayed the court to adjudge defendants Hans Williams and Mardea Paykue guilty of the crime, murder, a first degree felony thereby sentencing them to death by hanging.
• While the counsels for the defendants are also begging Judge Dixon to save the Judiciary not on the sentiments of the 'street jurors' but to adjudge the defendants not guilty of the charge of murder and restore their liberty.

**LACC Probes Government Minister For Corruption**  
[Public Agenda]

• [SIC] The Minister of Posts & Telecommunications, Jeremiah Sulunteh has reportedly fallen into the dragnet of the Liberia Anti-Corruption Commission (LACC) and has being undergoing an intensive probe on corruption allegations.
• According to an investigative report, Minister Sulunteh is being probed for US$75,000 which the Ministry reportedly received in April 2008 as royalty to the Government of Liberia and was allegedly misappropriated under his administration.
• According to reports, some aggrieved employees of the Ministry have informed the LACC that the amount was generated through a Memorandum of Understanding signed between the Inter-Governmental Philatelic Corporation (IGPC) in New York, United States of America and the Ministry of Posts & Telecommunications.

**Over US$20,000 Stolen In Spriggs Field Burglary**  
[Public Agenda]

• [SIC] Over US$20,000 is reported stolen at the James Spriggs Payne Airport in Sinkor, after a burglary incident at the port Friday morning.
• The money was stolen a day after it was brought to commence payment of employees of the Liberia Domestic Airport Agency (LDAA) in Monrovia and across the country for the month of March.
• LDAA employees in their disclosure over the weekend, said due to the burglary, management has suspended their salary payment until investigations in the matter are completed.
• The incident has left the fate of several employees of LDAA in limbo over the uncertainty of receiving their March salary on time.
• But management has suspended the Cashier, Comptroller and the Head of Security at the airport and turned them over to police for investigation in connection with the act.
• UNMIL police are heading a team of security officers involved with the investigation.

**UNMIL Troops’ Operational Accounts of Lofa Violence**  
[The News]

• Officers of the United Nations peacekeeping troops deployed in Lofa County have given detailed accounts of the February 26th bloody clashes in Voinjama to a Senate fact-finding committee sent to the county.
• The Pakistani Military Commander Shahid Naziol, UN Regional Police Commander Khuda Bakish Khan, Senior UN Mission Civil Affairs Officer Berhare Gebrehiwot, and Jordanian Formed Police Unit brief members of the Liberian Senate on the incident.
• Explaining their operational role during the violence, Commander Naziol refuted resident’s allegations that UNMIL troops were biased and protected only mosques and left churches vulnerable to attacks.
• They told the Senate fact-finding committee chair by Nimba County Senator Adolphus Dolo that government should thoroughly investigate the violence.
• Meanwhile, UNMIL through its regional Police Commander, Khuda Bakish Khan has disclosed that 55 single barrel guns were retrieved following a thorough search operation in Konia and Voinjama.

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

**President Sirleaf Releases TRC Progress Report**
* (Also reported on Radio Veritas, Truth FM, Sky FM, and ELBC)*

**National Legislature Resumes Discussions On Draft Investment Act Today**
• Discussions on the controversial draft Investment Act of 2009 resumed today at the National Legislature.
• The Chairman of the House Investment Committee said Wednesday’s discussions formed part of a joint public hearing by the House and the Senate.
• Representative Moses Kollie said the discussions will focus on concerns raised by the business community.
• He said the hearing will target the aspect of the draft Act which provides for a comparative business instead of setting aside twenty-six businesses for Liberia.

**Challenge “TRC Report”, Lawmaker Tells President Sirleaf**
• A Montserrado lawmaker has called on President Ellen Johnson Sirleaf to challenge the Truth and Reconciliation Commission (TRC) report in court if she really wants to contest the 2011 election.
• Representative Edwin Snowe said President Sirleaf should consider the TRC recommendation banning her from public office for thirty years as serious.
• Representative Snowe urged the Liberian leader to take legal action if she feels aggrieved by the TRC report instead of ignoring it.
• He believes any other action outside of the law would undermine the credibility of the Commission.
• Representative Snowe who is also listed in the TRC report for economic crimes vowed to challenge the report in court.
* (Also reported Radio Veritas, Sky FM, and ELBC)*

**Sinoe Caucus Challenges Inter-Ministerial Committee Report**
* (Also reported on Truth FM, Sky FM, and ELBC)*

**JFK Gets Nigerian Paediatrician**
• The Health Education and Relief through Teaching (HEARTT), a non-profit organization has brought in a Nigerian paediatrician to work and teach at the John F. Kennedy Medical Centre.
• Dr. Oku Emmanuel is to set up a system at the paediatric unit and train residents and nurses how to ably treat children.
• Dr. Emmanuel said he would also organize a programme to begin treating children with special cases.
• The Nigerian Paediatrician, who is also expected to lecture at the A. M. Dogliotti College of Medicine, is one of several specialists who have been brought into the country by HEARTT to offer clinical services and training at the John F. Kennedy Medical centre.
• The President of HEARTT, Dr. James Sirleaf said several surgeons and other physicians are currently at the JFK offering different services including a Bone Specialist, Dr. Justin Bird and a General Surgeon, Dr. David Knight.

*Radio Veritas* *(News monitored today at 09:45 am)*

**President Sirleaf Declares Today World Consumer Rights Day**
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Liberia To Host ECOWAS Peace Confab

Melissa Chea-Annan

An International Conference on “Two Decades of Peace Processes in West Africa: Achievement, Failures, Lessons Learned” is expected to commence on Monday at the Samuel Kanyon Doe Sports Stadium in Paynesville. The conference that is organized by the Economic Community of West African States (ECOWAS) Commission is in a bid to consolidate gains made in conflict prevention, management, resolution and peace building and for the purpose of taking a look at the past, with a view to learning lessons and consolidating on achievements. The conference will run from Monday, March 22-27.

It can be recalled in December 1990 fighters of the National Patriotic Front of Liberia, led by former president, Charles G. Taylor invaded Liberia, something that signaled the beginning of a devastating civil war in the country for several years.

Like a cosmic hurricane spreading across the region, the war in Liberia triggered another civil war in Sierra Leone in 1991, followed by further wars in Guinea Bissau in 1998 and Cote d'Ivoire in 2002. Primarily caused by bad governance and marginalization, the violent post-cold war asymmetric conflicts provoked acute humanitarian crises across West Africa and thrust the region to the front row of international attention. As a result of this, the Economic Community of West African States (ECOWAS) was compelled to raise its peace and security agenda to the same level as its original raison d'être-economic integration and put together an interventionist force, the ECOWAS Ceasefire Monitoring Group (ECOMOG), to contain the violence while it developed normative and instructional frameworks to respond to the exigencies of the times.

A recurrent theme in the response mechanisms to these conflicts was the ritualistic signing of peace agreements by the warring factions and their guarantors. It can be recalled between January 1990 and December 2008, ECOWAS, the African Union and the United Nations crafted/contributed to the crafting of not less than thirty peace accords in the efforts to end the conflicts. The vast majority of these accords, with varying degrees of success in implementation, were dedicated to the conflicts in Liberia, Sierra Leone and Cote d'Ivoire. The peace conference in Monrovia is intended to look at the politics, dynamics and complexities of peace processes in West Africa in the past 20 years. Though ECOWAS claims that there are no active wars in West Africa now, but the security situation in post-conflict societies continues to be characterized by fragility, at times, bordering on the precarious situation.

The week-long conference will consider subject peace agreements signed in the region over the past two decades to rigorous analysis against the realities on the ground, identify what has worked, what has not in the implementation of peace agreements, and suggest corrective measures for future practice. The conference is also aimed at exploring qualitatively new frameworks for cooperation at all levels in response to conflicts in the region and exploring the feasibility of establishing a West Africa specific framework for linking conflict response to peace building and peace consolidation. It is expected that the international conference will elicit discussions on the way forward on issues relating to peace processes, and should achieve a greater understanding of the dynamics of peace processes in West Africa, a greater of why peace processes have been successful in some contexts and failures in others. It is also expected that at the end of the conference, a policy framework on conflict response and peace building will serve as a guide to regional and international efforts to contribute to conflict management and peace-building in the region.
Radio Netherlands Worldwide
Thursday, 18 March 2010

Rwanda tribunal upholds genocide singer’s conviction

By Thijs Bouwknecht (IJ)

Hutu killers sang his songs as they slaughtered Tutsis in Rwanda and in 2008, judges at the International Criminal Tribunal for Rwanda (ICTR) found him guilty of incitement to commit genocide. On Thursday, the UN court’s appeals chamber upheld the conviction of Rwandan troubadour Simon Bikindi, along with his sentence of 15 years in prison.

"The appeals chamber rejects Simon Bikindi’s appeal in its entirety, confirms his conviction for direct and public incitement to commit genocide, and confirms the sentence of 15 years imprisonment," said presiding judge Patrick Robinson."

Machete wielding Hutu militia and civilians massacred some 800,000 ethnic Tutsis and moderate Hutus during Rwanda’s 100-day bloodbath. And the trial of “Rwanda's Michael Jackson” proves that even musicians can be held responsible for inciting genocide.

Folk singer

His songs were banned in 1994, but Simon Bikindi (1954) is still Rwanda’s most famous folk singer of his generation. His voice dominated the airwaves when his songs were played over the extremist Hutu radio station Radio Télévision Libre des Mille Collines (RTLM) during the genocide. The troubadour is the first artist to have been brought before an international criminal court and charged with using his creativity to incite genocide. Prosecutors in Arusha had singled out three of Bikindi’s rap songs for promoting ethnic hatred, which they said had been widely broadcast during the genocide.

According to eyewitness reports, many of the Hutu killers sang Bikindi's songs as they hacked or beat to death Tutsis, using their government-issued machetes. "In his songs, Bikindi said we had to fight the Tutsis with all our strength, that the Tutsis wanted to bring back serfdom," a witness said during the trial.

The witness - a former Interahamwe member currently serving a life sentence in Rwanda for his role in the killing spree - said the songs were "full of allusions and images, the meaning of which was clear to any Rwandan. Rise up against the Tutsis, that was the kind of message in his songs."

Bikindi continued singing as he fled to Zaire – now the Democratic Republic of Congo - accompanying Rwanda’s ousted militia, military and government officials. He ended up in centre for asylum seekers in the Netherlands where he was arrested in 2001 and sent to Arusha.
Couldn't stop genocidaires singing songs
Bikindi argued that he had never killed anyone and that he couldn't stop the génocidaires from singing his songs. But in December, 2008 the ICTR sentenced him to 15 years imprisonment for broadcasting announcements from a loud-speaker on his car in June 1994, as he lead a caravan of Interahamwe militia, calling on Hutus to exterminate Tutsis. On a second drive along the same road between Kivumu and Kayove, he asked if people had been killing the "snakes".

The singer was found guilty of direct and public incitement to commit genocide. He was acquitted on five other charges including genocide, crimes against humanity and murder.

The judges said his songs "manipulated the history of Rwanda to extol Hutu solidarity with the specific intent to disseminate pro-Hutu ideology and anti-Tutsi propaganda, and thus to encourage ethnic hatred." They also found that broadcasting the songs on the radio served to amplify the genocide, but added that prosecutors had not established a direct link between Bikindi’s music and any specific attacks or killings.

ICTR prosecutor Hassan Bubacar Jallow appealed the judgement and called for a life sentence for the singer who rose to fame in Rwanda as a champion of traditional culture. Jallow said his music was a "clear provocation for Hutu extremists to slaughter moderate fellow Hutus and minority Tutsis" during the killing spree.

Bikindi also appealed the judgement and performed a song calling for peace and reconciliation in Rwanda during the Appeals Chamber final hearing. "Let us pray, let us pray, so that what happened in Rwanda will never happen again, never again," he sang when presiding judge Patrick Robinson granted him an opportunity to address the court, according to the Hirondelle News Agency.

On Thursday, the appeals judges in Arusha rejected "in it's entirety" both the prosecutor's and Bikindi's appeals.

Drumbeat
It is not the first time the UN tribunal has dealt with hate speech. In an earlier landmark judgment, the court convicted three major media players for inciting genocide. Hassan Ngeze, director and editor of the radical newspaper Kangura, was - among other charges - found guilty for inflammatory articles written to incite ethnic hatred.

Others were Rwanda's ‘genocidal ideologues’, historian Ferdinand Nahimana and lawyer Jean-Bosco Barayagwiza, who were in charge of RTLM. The radio station coordinated the genocide, gave death tolls like weather reports and urged death squads to go to villages where "the work" wasn't finished yet. "RTLM broadcasts were a drumbeat calling on listeners to take action against Tutsis," Judge Navanethem Pillay said when she delivered the judgement in 2003.

Georges Ruggiu, a former RTLM producer and reporter, was jailed for 12 years in 2000 after he pleaded guilty to direct and public incitement to commit genocide. The Belgian national testified against the three other defendants. He said RTLM received information from Interahamwe militia about operations they planned and "search" notices for people or cars, which were then broadcast on the radio.
Theft in Kenya May Be Tied to ICC Probe

Alisha Ryu

Police in the Kenyan capital, Nairobi, are investigating a robbery at the office of a non-governmental organization that has been working with the International Criminal Court (ICC) to bring suspected perpetrators of the 2008 post-election violence to justice.

The director of the International Center for Policy and Conflict, Ndung'u Wainaina, tells VOA that thieves used a key to enter the office and conducted a thorough search before leaving with a desktop computer, a laptop, two monitors, and a file of documents.

Wainaina says the computers and file contained data and information his center has been compiling on the ethnic violence that nearly tore the country apart after the disputed December 2007 presidential vote. Cabinet members, senior politicians, and powerful businessmen accused of fueling that violence are now the subject of an International Criminal Court investigation in The Hague.

"We have been doing a lot of work around post-election violence, specifically working with victims, working on issues with the ICC, the Special Tribunal, and the Truth Commission," said Wainaina. "So, definitely, that must be the kind of information they were looking for. Even the first preliminary assessment of the police officers sent here was that this was not an ordinary break-in to an office."

Nearly 1,500 people were killed and hundreds of thousands displaced during several months of unrest in early 2008. The violence ended after the incumbent President Mwai Kibaki and challenger Raila Odinga agreed to form a power-sharing government and to establish commissions of inquiry to investigate.

One of those commissions, known as the Waki Commission, subsequently submitted names of possible suspects behind the bloodletting. When the new coalition government failed to act on its promise to bring the suspects to justice, the sealed list was handed over to the International Criminal Court for prosecution.

In January, the Court's Special Prosecutor Luis Moreno-Ocampo told the Kenyan government to give protection to potential witnesses in the ICC investigation. He said he had received reports that people who may be called to testify were being threatened and intimidated.

Wainaina says his organization has also received anonymous threats for trying to give voice to victims of post-election violence and for criticizing government foot-dragging on promised reforms. But he says the robbery is the most serious act that has been perpetrated against it.

"We are determined to go on because we must see how people who are culpable for violating human rights are put into account," he added. "And justice for the victims of post-election violence is a priority for us. Nothing should deter us from pursuing that cause."

Kenya's Attorney General Amos Wako says he has instructed the police commissioner to conduct a thorough investigation of the robbery. Wako has been sharply criticized for failing to prosecute post-election violence suspects. He has also been banned from traveling to the United States for obstructing reforms aimed at ending government graft.
Khmer Rouge Tribunal vs. Karmic Justice

By SOPHAL EAR, I.H.T. Op-Ed Contributor

When my mother — who saved me and four siblings from starvation under the Khmer Rouge in 1976 — passed away in October 2009 at the age of 73, I realized that for her justice delayed had become justice denied. (I’m embarrassed to admit it, but the words “justice delayed is justice denied” had never really sunk in until my mother’s passing.)

As an observant Buddhist, however, my mother probably had the last word. She always said that no matter what happened to the Khmer Rouge leadership in their current lifetime, Karmic justice would prevail in the next: They would be reborn as cockroaches.

I am certain that this belief has helped millions of survivors cope with the reality that, after more than three decades since the fall of the Khmer Rouge, not a single leader has been held to account.

Indeed, Cambodians will largely be yawning when the Khmer Rouge tribunal, known formally as the Extraordinary Chambers in the Courts of Cambodia and jointly organized with the United Nations, issues its first verdict, on the guilt or innocence of Kaing Guek Eav, widely known as Comrade Duch.

The man who headed S-21, a torture center to which an estimated 16,000 people were sent and where less than a dozen survived, confessed his crimes seven years before the tribunal started, saying: “My confession is rather like Saint Paul’s. I’m the chief of sinners.”

Even during the tribunal itself, Duch declared: “To the survivors, I stand by my acknowledgment of all crimes inflicted on you at S-21. I acknowledge them in both the moral and legal context.”

After nine months of testimony and millions of dollars spent, what verdict but guilty can there be when the defendant has made such statements under oath? What purpose has going through the motions served?

Whether the issue is degree of guilt (no one claims Duch was in charge of policy and he has testified that “even though I knew these orders were criminal ... it was a life and death problem for me and my family”) or plain punishment (the maximum sentence is life in prison), each day that has passed is itself an injustice.

If, after four years and $13 million in contributions to the Cambodian government from Japan, the Europe Commission and others, and $76 million in contributions to the United Nations by more than 21 donors, one guilty verdict is all the tribunal has to show, survivors of the Khmer Rouge may just as well consider justice denied.

Plagued by corruption, the tribunal was essentially hijacked to advance domestic and international agendas. For domestic politicians, the goal was to control the process by placing it in a heavily secured military base some 20 kilometers from Phnom Penh and to reduce its scope by limiting the number of individuals it could indict (five) while currying international favor for addressing, superficially at least, crimes against humanity.

The Cambodian government has even sought to limit the witnesses the tribunal could call to testify under the oft-repeated claim of the threat of another civil war. “If the court wants to charge more former senior Khmer Rouge cadres, [it] must show the reasons to Prime Minister Hun Sen,” the prime minister said,
referring to himself in the third person. In any case, the tribunal has no independent means of enforcing its subpoenas without government cooperation.

For many of the foreigners involved, Cambodia served as yet another venue for pushing hybrid models of transitional justice while creating jobs for international civil servants and a stage for foreign lawyers whose careers depend on adding another tribunal to their curriculum vitae. If nothing else, they can pat themselves on the back for showing the Cambodians how justice is done.

But what has happened is the reverse. The tribunal was plagued by corruption, lack of judicial independence and shattered integrity. The appointment of a devout Marxist-Leninist as head of the Victims Unit in May 2009, fully endorsed by the U.N. head of the tribunal, sealed the tribunal’s fate as an international and domestic farce.

Thus, the euphemistically “streamlined” participation of about 4,000 “Civil Parties” (tribunal-recognized victims, including me) who shall be represented in court by only two “civil party lead co-lawyers” (with as yet undefined internal procedures of accountability and selection) imposed by the tribunal on Feb. 9, 2010, came as no surprise.

When I filed my civil complaint in 2008, I was required to outline what compensation I wanted. When I said I didn’t want any compensation and that this isn’t about money, it’s about justice for the past and accountability for the future, you could have heard a pin drop. I should have said that I would like my father and brother back; no amount of compensation can do that.

Justice in that sense is meaningless, but my hope was that in the not-too-distant future the next Pol Pot might have to think twice about genocide.

A truth commission would have been a marked contrast to the combative style of the current tribunal, which has seen denials by anyone potentially indictable and even those ready to confess. Indeed, as South Africa’s experience has shown, truth commissions can work under the right circumstances.

But I doubt the circumstances were ever right in Cambodia. The Khmer Rouge had a sense of irony when they created a Ministry of Truth. Ever since then, the first casualty of Cambodian politics has been truth.

Lost in all this are those very Cambodians for whom the tribunal was supposed to enact international standards of justice and be a cathartic experience. Instead, the tribunal has been corrosive. Jaded from a failed 1993 U.N. exercise in democracy that led inexorably toward authoritarianism, Cambodians have learned their lesson: Don’t believe in international promises; they are not kept.

Sophal Ear is an assistant professor of national security affairs at the U.S. Naval Postgraduate School in Monterey, California. He is writing a book on the unintended consequences of foreign aid in Cambodia.
Truthout (Afghanistan)
Tuesday 16 March 2010

Afghanistan Enacts Law Giving War Criminals Blanket Immunity

By: Jason Leopold

A law that provides blanket immunity and pardons former members of Afghanistan’s armed factions for war crimes and human rights abuses committed prior to December 2001 was quietly enacted three years ago by parliament, despite previous assurances by President Hamid Karzai that he would not sign it or allow it to take effect.

According to Waheed Omer, Karzai’s spokesman, the amnesty law was enacted because it was approved by two-thirds of parliament and therefore did not need Karzai’s signature. Parliament is made up largely of former warlords who were accused by Afghans and human rights groups of war crimes.

"This law was passed with a two-thirds majority in our parliament, and according to our constitution, when a law is passed with a two-thirds majority, it does not require the president to sign it," Omer said during a briefing Tuesday, publicly acknowledging for the first time the blanket immunity provision is now law. Omer’s comments were first reported by Reuters.

The International Center for Transitional Justice (ICTJ), an organization founded in 2001 that assists countries in their pursuit of accountability for mass atrocities or human rights abuses, said "blanket amnesties promote impunity and are currently deemed unlawful under international law."

Human rights groups learned that the law was enacted after it was published in Afghanistan’s official gazette.

“It is not clear when this happened, as the date on the gazetted law is December 2008, while some sources say it was not published until January 2010, when printed copies of the law were received by organizations that monitor the gazette,” according to Human Rights Watch (HRW), which condemned the law and demanded that it be repealed.

According to Aunohita Mojumdar, a reporter based in Kabul, "in Afghanistan’s legislative process, a draft law must be ratified by parliament, signed by the president, and then published in an official gazette before it takes effect."

"The actual process is sometimes far murkier," Mojumdar wrote in a report published Tuesday on Eurasianet.org. "Parliament passed a controversial amnesty law - offering immunity to all those involved in past, present and future hostilities, including war crimes or crimes against humanity - in 2007. But the initiative generated considerable opposition from Karzai’s international allies and human rights groups who saw it as an attempt by former commanders-turned-MPs to give themselves immunity. Thus, the Reconciliation and General Amnesty Law was not immediately published.

"In January of this year, however, news spread that the law had been quietly printed in December of 2008. With the international community now behind Karzai’s reconciliation strategy, the government is now apparently hoping that the amnesty law will be accepted without creating too much of a stir."

When it passed in early 2007, the National Reconciliation, General Amnesty and National Stability Law said anyone engaged in armed conflict before the formation of the Interim Administration in Afghanistan shall “enjoy all their legal rights and not be prosecuted.”

The law provides amnesty to “all political factions and hostile parties who were involved in a way or another in hostilities before establishing of the interim administration [in December 2001],” including "those individuals and groups who are still in opposition to the Islamic Republic of Afghanistan and cease enmity after the enforcement of this resolution and join the process of national reconciliation and respect the constitution and other laws and abide them."
HRW said last week that the amnesty law “was passed at a time when Afghan public opinion was beginning to mobilize against warlords and impunity.”


"In 2006 the government launched the Action Plan for Peace, Reconciliation and Justice in Afghanistan, which makes clear commitments to: 1) acknowledge the suffering of the Afghan people; 2) ensure credible and accountable state institutions and purge human rights violators and criminals from the state institutions; 3) undertake truth-seeking and documentation; 4) promote reconciliation and improvement of national unity; and (5) establish a task force to recommend an additional accountability mechanism," according to HRW.

Brad Adams, HRW’s Asia director, whose organization called on the Karzai government to repeal the law, said, "Afghans have been losing hope in their government because so many alleged war criminals and human rights abusers remain in positions of power."

"The amnesty law was passed to protect these people from prosecution, sending a message to Afghans that not only are these rights abusers here to stay, but more might soon be welcomed in," Adams said.

In a statement, The Transitional Justice Coordination Group (TJCG), which is made up of a coalition of 24 civil society organizations, called upon Karzai’s government to immediately suspend the law "with a view to its eventual abolition."

"The TJCG contends that rather than promote reconciliation and stability, by granting a blanket amnesty this law promotes impunity and prevents genuine reconciliation," the group said. "Accountability, not amnesia, for past and present crimes is a prerequisite for genuine reconciliation and peace in Afghanistan. All Afghans will suffer as a result of implementation of this law, which undermines justice and the rule of law."

"The government of Afghanistan does not have the right to usurp the rights of victims. Only the victims have the right to forgive perpetrators," the group added. “But the state has a duty to investigate and prosecute war crimes, crimes against humanity and other serious human rights violations such as disappearances, torture and extra judicial killings."

Although a provision in the amnesty law allows victims of atrocities to file individual claims against alleged perpetrators, TJCG said it “places an unfair burden upon victims, who have already suffered so much and would put themselves at risk of reprisals given the impunity that prevails in Afghanistan today."

“This provision is particularly impractical so far as it concerns women and the many victims of sexual violence, who already face considerable barriers to obtaining justice,” TJCG said. “Provision for the granting of amnesty in respect of future crimes further undermines the legitimacy of the law and serves as an open invitation for the continued commission of abuses with impunity."

**War Criminals in Karzai's Cabinet**

Karzai’s government includes high-level officials who were accused of war crimes. According to Reuters, both of Karzai’s vice presidents “are former leaders of armed groups whose factions squabbled for control of Kabul in the 1990s, when thousands of civilians were killed and hundreds of thousands fled their homes.”

The amnesty law absolves them of their past crimes.

Moreover, Karzai approved the re-appointment in January of Gen. Abdul Rashid Dotsum, an ex-militia chief, to a high-level military position, which was harshly criticized by civil rights groups.
"Washington and other capitals have accused Dostum of 'massive war crimes,' including the death of some 2,000 Taliban fighters who suffocated in cargo containers in which they were being held after surrendering to Dostum in 2001," Reuters reported.

His style of governing has been harshly criticized by US officials, including Ambassador Karl Eikenberry, who warned President Obama in two top-secret cables last year against sending additional troops to the country until Karzai began to take steps to root out corruption in his government.

Reuters noted that this isn't the first time Karzai has has "ushered through a law after promising not to pass it, or pledging to make changes to the law before signing it only to revoke those changes later."

"In 2009, Karzai pushed through a controversial law for Shi'ite Muslims criticised by rights groups and Western leaders, after some articles were seen to greatly infringe on women's rights and even legalise marital rape."

So far, neither the Obama administration, United Nations officials or others in the international community have discussed the amnesty law. On Monday evening, Obama and Karzai spoke for more than an hour via a video teleconference about the US commitment to the region. But the amnesty law did not come up during their conversation.