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:
Monday, 20 June 2011

Press clips are produced Monday through Friday. Any omission, comment or suggestion, please contact Martin Royston-Wright Ext 7217
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**Special Court’s contempt case… cynical!**

By: Ibrahim Samura

The Special Court of Sierra Leone recently announced contempt indictment of five Sierra Leoneans, two of whom are war crimes convicts currently serving sentences in the Mpanga Prison in Rwanda.

In a release put out by the Special Court for Sierra Leone (SCSL), it is alleged that all five culprits interfered with one of the court’s witnesses in the Charles Taylor trial.

Findings have it that since the setting up of the Special Court, on number of occasions, has formulated contempt charges against workers and family members of war crime indictees, but never did same to personnel attached to the prosecution.

Hassan Papa Bangura aka Bomblast, Samuel Kargbo aka Sammy Ragga, two war crimes convicts, Santigie Borbor Kanu and Ibrahim Bazzy Kamara await trial of contempt by the Special Court.

The culprits have been accused of interfering with a witness in the Charles Taylor trial. That persons indicted are closely linked to the defence section of the Special Court.

It is also confirmed that the Special Court has never granted relocation rights to witnesses of the defence.

In 2005, the prosecution of the Special Court pursued contempt trial against one of the private investigators of the defence of the Armed Forces Revolutionary Council (AFRC), but lost the case woefully.

A good number of persons attributed the prosecution of the said private investigator as having the traits of a ‘set up’ by members of the court nay handicapping endeavours of the defence on issues of evidence gathering.

It has reached this press that a witness (name withheld) was reportedly flown to Ghana on medical checkup, where it was proved that he has a contagious disease and cannot enjoy relocation rights as called for by the court. The head of witness victims section (WVS), who also doubles as chief security officer, Saleem Vahidy, was alongside the unnamed witness in Ghana for medical examination, but returned regrettably to Sierra Leone owing to the off-putting medical standings of the witness.
Be it known that the Special Court has rights to relocate witness/es to countries outside Sierra Leone. Public’s contemplations indicate that the witness is assumingly a ‘wounded man’ and so, has lost self control, and which now renders him regular frustration thus saying/doing things unconsciously.

Findings have it that Saleem Vahidy, in 2010, was at The Hague owing to pressure from a number of prosecution witnesses, and he was once promised relocation parcels.

It could be recalled that a witness, sometime ago, confronted Saleem at the Crown Bakery, compelling him to expedite his relocation stipulation or force him do the otherwise.

Read full details on Saleem Vahidy next publication.
Sierra Leone: 'Military is in No Breach' - for Axing 235 Sojas

Ishmael Bayoh

Freetown — Stating his closing arguments yesterday before the Human Rights Commission of Sierra Leone Tribunal on 235 ex-soldiers referred to as chronically ill and mentally imbalanced by the Ministry of Defence and Republic of Sierra Leone Armed Forces, Col. I.M. Koroma said the military committed no breach in discharging the ex-soldiers.

The RSLAF Col. argued that the Ministry of Defence and the military did not breach any of the complainants' rights to privacy as each of them was given a discharge book. He said when service personnel were about to retire, a full medical examination was carried out to show the state of health of the individuals at that particular time and that the physical and mental status of the ex-soldiers was a testimonial of their service.

"The MoD and RSALF have an obligation to the rest of society to state the correct state of health of the individual holder of a discharge book....to state otherwise is not only unprofessional but plain dishonesty and disservice to the general public," said Col. Koroma.

He further argued that the classification of the ex-soldiers as chronically ill and mentally imbalanced was done because of administrative reasons and also because they did not receive the Wounded in Action (WIA) package for failing to report on time.

Counsel representing the ex-soldiers, Editayo Pabs-Garnon, submitted that the soldiers were referred to as Wounded in Action only to be classified as chronically ill and mentally imbalanced. He stated that it was clear that a decision was being consciously made to exclude the complainants from the disability pension in March 2010 after they had initially been included.

Magdalene Kioko, also representing the complainants, stated that "the question to answer is whether the complainants got fewer benefits [simply] because they were categorized as chronically ill and mentally imbalanced".

"If the answer is in the affirmative then the complainants were discriminated against on the basis of disability. Such discrimination violates Article 5 of the UN Convention on the Rights of Persons with Disability as well as Article 26 of the ICCPR," she maintained.

The tribunal was adjourned to June 27 for judgement.
‘I did what I thought best’

It is illegal in South Africa to possess uncut diamonds because of possible links to funding fighters in African civil wars, money laundering and other crimes.

Jeremy Ractliffe, former CEO of the Nelson Mandela Children’s Fund, was charged with violating these laws by keeping the uncut diamonds given to him by supermodel Naomi Campbell after she received them as a gift in 1997 from Charles Taylor, who was then the president of Liberia.

Ractliffe said he kept the stones for 13 years in a safe, and did not report them to the authorities in a bid to protect the reputations of Mandela, Campbell and the charity.

“I did what I did for what I felt were totally valid reasons,” Ractliffe said.

“I have always thought I was innocent and it was very nice to have this proven.” He was found not guilty this week.

Taylor is believed to be the source of the diamonds. Campbell testified during Taylor’s war crimes trial that she received the diamonds from three men who came to her hotel room, but did not know the source. However, other witnesses said she bragged about getting them from Taylor. – Sapa-AP
Arms Discovered in River Gee

By: Observer Staff

UN helicopter arriving with the cache of arms that were discovered in River Gee County

Photos by Jerome Toe

Liberia National Police (LNP) has discovered several quantities of arms and ammunition in the high forest of U’Gbo, Barrobo District, in River Gee County.

The Police said the discovery was made as a result of a police led intelligence operation in the county.

An LNP release disclosed that 67 AK-47s, 2 LAR, 3 RPG missiles, 3 rockets and one 50 caliber GMG were among the weapons discovered and seized.

The release also revealed that one PKM, 3 Steel rockets or anti-aircraft, 3,673 50 caliber GMG rounds, 1,439 AK-47 rounds and 72 empty AK-47 magazines were among the weapons seized.

The release quotes Police Spokesman George Bardue as saying a town Chief of U’GBO Barrobo District in Rivergee County is currently being questioned in connection with the hidden weapons.

The release further disclosed that some 92 refugees are suspected to have link to the hidden weapons in Rivergee County. The suspects, LNP said are undergoing investigation.

The LNP has, however, called on the public not to panic as they are doing everything possible to ensure maximum peace and security across Liberia. The weapons discovered by the police are believed to have crossed over into Liberia by fighters fleeing the Ivory Coast crisis.

Meanwhile, the weapons are in the custody of the Police in the County and will be brought to Monrovia shortly. The LNP will provide more details on the hidden weapons as information becomes available, the release said.
Libyan rebels have enough to convict Gaddafi of war crimes

Libyan rebels released thousands of documents detailing orders signed by Muammar Gaddafi, in which he instructs senior army generals to starve and bomb the residents of Misarta, UK-based newspaper the Observer reported on Sunday.

The documents, which will be handed to the International Criminal Court (ICC) in The Hague, are being kept in a secret location at the besieged port city.

Libyan leader using mosques, children's parks as shields for his army, NATO

The documents are expected to provide unequivocal evidence in any future trial held against the Libyan leader for charges of war crimes.

ICC investigators are scheduled to arrive to Misarta as soon as the heavy bombardment on the city stops.

According to the report, one of the documents shows how the Libyan security forces commander orders military battalions to starve the civilian population in Misarta during the four-month siege imposed on the city.

"It is absolutely forbidden to allow supply vehicles, fuel and other services to enter the Misarta from any of the checkpoints at the entry to the city," Libyan General Yossef Ahamad Bashir wrote in the paper.

Another document details an order to chase injured rebels – a clear violation of the Geneva Conventions. Among the papers held in Misarta is also a message Gaddafi sent in person to the combat units, in which he orders them to annihilate the residents and "turn the blue sea into red."

The documents mark an important milestone for international law, as it is the first time the court has access to evidence directly implicating the main players responsible for committing war crimes.
UN News
Tuesday, 14 June 2011

UN rejects allegations that it interfered in work of Cambodian genocide court

The United Nations today rejected media reports that it instructed judges at the tribunal in Cambodia dealing with mass killings and other crimes committed under the Khmer Rouge three decades ago to dismiss its third case, stressing that the court is an independent body.

“Support for the independence of the judiciary is a fundamental principle that the United Nations upholds in Cambodia as elsewhere,” a statement issued by the spokesperson for the Secretary-General said.

“The judges and prosecutors at the Extraordinary Chambers in the Courts of Cambodia (ECCC) must be allowed to function free from external interference by the Royal Government of Cambodia, the United Nations, donor States, and civil society,” it added.

Under an agreement signed by the UN and Cambodia, the ECCC was set up as an independent court using a mixture of Cambodian staff and judges and foreign personnel. It is designated to try those deemed most responsible for crimes and serious violations of Cambodian and international law between 17 April 1975 and 6 January 1979.

Earlier this week, media reports said that at least five UN staff in the ECCC’s investigations office have quit their posts since April following disagreements over the decision to close the tribunal’s third case without allegedly properly investigating the charges. Case 003 reportedly involves two former senior members of the Khmer Rouge military suspected of the deaths of thousands of people.

“The United Nations categorically rejects media speculation that we have instructed the co-investigating judges to dismiss Case 003,” the statement said.

It added that the announcement made by the co-investigating judges in April that they have decided to conclude their investigation in Case 003 is an interim procedural step, and that issues related to that decision will be the subject of further consideration by the tribunal.

“The co-investigating judges are not under an obligation to provide reasons for their actions at this stage of the investigation in Case 003,” said the world body.

As for the staffing issues, the statement said that the UN will ensure that the international component of the ECCC, including the Office of the Co-Investigating Judges, has sufficient resources to undertake its work.
Estimates vary but as many as two million people are thought to have died during the rule of the Khmer Rouge between 1975 and 1979, which was then followed by a protracted period of civil war in the impoverished South-East Asian country.

The court handed down its first verdict in July 2010, convicting Kaing Guek Eav – the man also known as Duch and who headed a notorious detention camp run by the Khmer Rouge – guilty of war crimes and crimes against humanity.

The ECCC is currently preparing to commence the trial in Case 002 on 27 June. The accused are the four remaining leaders of the Khmer Rouge: Khieu Samphan, the former head of State; Nuon Chea, ‘brother number two’ to Pol Pot; Ieng Sary, a former foreign minister; and Ieng Thirith, a former social affairs minister and wife of Ieng Sary.

“Their trial will be of true international significance, and deserves the ongoing, strong support of the international community,” said today’s statement.
Mladic finishes prison induction, tests

Ex-Bosnian Serb army chief Ratko Mladic has settled into a UN prison to await his war crimes trial, following completion of medical tests, a court official said Wednesday.

"I can confirm that Mr Mladic has completed the initial induction process in the detention unit," said Martin Petrov, who heads the International Criminal Tribunal for the former Yugoslavia's (ICTY) Registrar's Office.

"Mr Mladic is now following the standard detention regime that applies to all detainees," Petrov told journalists at a press briefing in The Hague, where the court is based.

It was unclear whether Mladic had been moved to a general residential wing inside the detention unit, in the seaside suburb of Scheveningen, with Petrov saying "information about the exact location of our detainees is confidential."

One of Europe's most wanted men for his part in the 1992-95 Bosnian war, Mladic, 69, was arrested in Serbia last month after 16 years on the run.

The man once called the "Butcher of Bosnia" was flown to the Netherlands five days later and is now being held at the ICTY's detention unit, in a Dutch prison a few kilometres (miles) from the court.

He is expected to make a second appearance before judges on July 4, where he will again be asked to plead to 11 charges of genocide, war crimes and crimes against humanity committed during the Bosnian conflict, which saw some 100,000 people killed and more than two million others displaced.

At his first appearance before a three-judge bench on June 3, a visibly thinner Mladic told the court he was "a gravely ill man" after an attempt to stop his extradition on health grounds was turned down by a Belgrade-based judge.

"The tribunal has provided all the necessary medical tests, all the medical tests have been performed in order to give us a clear and full picture of Mr Mladic's health," Petrov, said, without giving further details.

Under the detention unit's rules, Mladic was entitled to an examination by a doctor of his choice, but Petrov said, "To my knowledge he hasn't made such a request."

Neither has Mladic asked for a change in legal representation after a tribunal-appointed lawyer represented him at his first appearance.

"We do anticipate and really hope that the choice of councillor of Mr Mladic's determination will be made before the further initial appearance," Petrov said.
Leon Panetta: Test case for ICC

Rizwan Ghani

After years of CIA drone attacks in Pakistan, the reports of expansion of US drone program to Yemen shows that Washington has decided to adopt extra judicial killing permanently. US lawmakers are cheerleading CIA head Leon Panetta to be the next defense secretary of the country as a reward for his role in the extra judicial killings. Under the circumstances, it is the moral and legal obligation of the world to bring Leon Panetta to book in International Criminal Court (ICC) for Crimes against Peace, war crimes and War of Aggression. It is important to bring Panetta arrested so that American political, military, intelligence and justice department leaders are brought to the court for their roles in crimes against humanity and peace. International community should refuse to deal with Panetta for his role in crimes against humanity including drone attacks.

Drone attacks and presence of American military personnel in Pakistan is a War of Aggression against its people and the State, which is a crime under Customary International Law. The use of force of arms against sovereign states under Right of Conquest was codified as War of Aggression in the Nuremberg Principles (crime against peace) and it was adopted in United Nations resolution 3314 in 1974. The International Military Tribunal at Nuremberg termed War of Aggression the supreme international crime. The Rome Statute of International ICC refers to it as “most serious crime of concern to international community” and provides that crime falls within the jurisdiction of the ICC. Therefore, under UN Charter and its role in decolonization the UN is obliged to ensure respect of territorial integrity and sovereignty of Pakistan and all those countries that are under illegal US drone attacks and subject to military presence to restore world security and peace.

The article “How lawyers sign off drone attacks” (The Guardian, June 15) shows Washington is using lawyers to legalize extra judicial murders in sovereign states. The article helps to understand Panetta and Obama’s crimes against humanity in Pakistan (and rest of the world). Similarly, it shows violations of US Constitution by America leadership, which respects universal values of right to life, right to justice and fair trial, and recognition of international laws including sovereignty and integrity of other states. Washington cannot continue with extra judicial killings based on the opinion of a handful of lawyers who are on payroll of CIA and Pentagon. It is therefore the moral and legal obligation of US Justice Department, State Bar Councils and Higher Education Authorities to review the legal and constitutional “interpretations” to stop abuse of country’s constitution and international laws.

The drone attacks are part of a new set of plans to act against sovereign states which violate international laws. Reportedly, German Defence Minister Thomas de Maziere did not rule out deployment of German troops in Pakistan. The minister underlined the fact that ‘soldiers are part of (German) foreign policy, and a political process must accompany the deployment of soldiers.’ He pointed to Germany’s alliance interests, which are ‘usually also national interests. (Pakistan Observer, June 17). Iran has already warned that US is planning to sabotage Pakistan’s nuclear facilities and use UN to prepare the ground for a massive presence (in Pakistan) and weaken the national sovereignty of Pakistan (local news June 8). It is about time Merkil withdraws Maziere’s statement and Islamabad scraps its joint operations with US troops to protect national interest. Instead, it should strengthen Pak-China security cooperation and SCO support to protect national interests and peace in the region through political dialogue (cooperation to combat terrorism, China Daily June 16).
In this regard, Russian Consul General, Andrey Demidov has said that America had no right to conduct drone attacks on Pakistan, as no country could ever be licensed for such an open and callous outrage (local news, June 9). Moscow, Beijing and international organizations including UN should impose ban on states, organizations and individuals involved in drone related extra judicial killings and violations of sovereignty of the states. There should be travel bans on their leaders also. Countries, universities and individuals hosting individuals and organizations involved in drone attacks should be black listed. World should stop sending students to such institutions and scrap deals with them. UN should impose sanctions against countries that are allowing Combined Air and Space Operations (CASO) Centers associated with drone operations. World must unite to divest such states of their rights to end drone related extra judicial killings, uphold international law and protect world peace.

Drone attacks on Pakistan are part of US policy to arm-twist Islamabad into “off loading its military expenditure” on lines of Europe in the region, curtail China and allow permanent military presence in Pakistan (Gates reads the Riot Act to Europe, WSWS, June 13). Reportedly, Islamabad has so far incurred $63 bn (Beijing put the figure at $100bn) on America’s so-called war against terrorism (SWAT). Cash stripped Washington is forcing its allies to foot its war bills while it is unsuccessfully trying to protect its geo-political and geo-strategic interests in the region.

Finally, Panetta should be a test case for ICC for his role in drone attack related extra judicial killings and bringing Obama administration to book. UNSC, ICJ and SCO should play their role to end violations of Pakistan’s sovereignty and uphold individual’s basic right to justice and fair trial. Islamabad should take necessary steps to protect its national interests including nuclear assets. Beijing and Moscow should play their role to restore peace in the region through political dialogue and stand up to protect regional interest. By refusing to entertain countries involved in war crimes they can help uphold international law and protect national sovereignties.

Washington will have to stop use of force and uphold international law to regain its share in global markets. World should withdraw its support for Ban Ki-Moon for failing to uphold interests of small UN member states against major states and demand restoration of UN General Assembly powers to end UNSC hegemony and democratize UN which in upholds UN mandate to protect right to justice, sovereignty of the states and restore world peace.
The Star Online
Monday, 20 June 2011

Najib: We don’t have to comply with Rome Statute

Malaysia is not yet a member of the Rome Statute of the International Criminal Court (ICC) and, therefore, is not obliged to comply with its provisions, said Datuk Seri Najib Tun Razak.

Therefore, it is not illegal for Malaysia to invite Sudan President Omar al-Bashir to attend the Langkawi International Dialogue (LID).

The Prime Minister said al-Bashir had been an active participant of the LID and had taken part in the dialogue’s 2002 and 2007 editions.

He also said it was the Malaysian Government’s decision to invite al-Bashir to the LID.

Anyone could give their views on the issue, but it was the official view of the Malaysian Government that mattered most, he added.

“Whatever we decide is the policy of the Government,” he told a press conference at the end of the first day of the dialogue.

Najib said the LID was an opportunity for Malaysia to play an informal role to help influence certain policies and actions that may result in a positive development in that part of the world.

It was reported that Sudan Foreign Minister Ali Karti would represent his country following al-Bashir’s decision not to attend the dialogue due to “pressing domestic engagements”.

The ICC, which has no police force and relies on member states to execute its orders and warrants, had issued an arrest warrant for al-Bashir in July 2008 for war crimes, crimes against humanity and genocide for his role in the Darfur conflict, which saw an estimated 300,000 killed by civil unrest and 2.7 million others displaced.

On the dialogue, Najib said there were no plans to include Asean members and the present format would stay.
ICC wants victims comments on Ivory Coast probe

The prosecutor of the International Criminal Court on Friday urged victims of atrocities in Ivory Coast to tell judges what they think of his plan to open an investigation into crimes against humanity and war crimes in their country.

In a statement posted on the court's website, Luis Moreno-Ocampo said he will soon ask judges at the world's first permanent war crimes court for permission to launch a formal investigation in Ivory Coast. The request is expected to come as early as next week.

Thousands of people were killed after former President Laurent Gbagbo refused to cede power to opposition leader Alassane Ouattara after losing elections last November.

After a monthslong standoff accompanied by widespread violence, Gbagbo was detained by pro-Ouattara forces on April 11.

Ouattara was sworn in in May and has asked the international court to investigate crimes committed during the postelection crisis. He has said that his supporters are not above the law.

A United Nations investigation concluded that at least 3,000 people were killed during the conflict and both forces supporting Gbagbo and Ouattara were guilty of abuses.

Moreno-Ocampo said victims have 30 days to give judges their views on whether the Hague-based court should open an investigation.

He added that if judges authorize a probe victims will be able to take part in the case and request reparations at a later stage.
Attorney General briefs ICC chief on Doha conference

The Attorney General Dr Ali bin Fetais al-Marri yesterday met the president of the International Criminal Court (ICC) Judge, Sang-Hyun Song, at its headquarters here to discuss recommendations of the Conference of the International Criminal Court, held in Doha last month. The president of the International Criminal Court expressed his thanks to HH the Emir Sheikh Hamad bin Khalifa al-Thani for hosting the first regional conference. He stressed that the Doha conference constituted a platform for dialogue and interaction between the various parties to identify the positions and exchange views on the functioning of the court and its future vision. He also stressed that the conference was the first step in the right direction, adding that he was looking forward to continued co-operation between the court and Qatar.

The visit of the Attorney General to the International Criminal Court came in the context of the follow-up of the ICC regional conference, which was held in Doha, in collaboration between the Arab League and the ICC. Dr al-Marri also met Chief ICC prosecutor Luis Moreno Ocampo. They held talks on a number of topics related to co-operation between the Office of the ICC Prosecutor in The Hague and the Office of the Attorney General in Doha, in addition to a review of the agreement signed between the parties. The Attorney General also met the ICC Registrar, Silvana Arbia, to review the co-operation between the two sides. Silvana praised the results accomplished by the ICC regional conference in Doha, hoping that dialogue mechanism would continue with the same momentum and support provided by Qatar in this respect.

The two sides signed the agreement whereby Doha will be the ICC regional seat for information, training and qualifying of Arab Lawyers. They also agreed to exchange information and expertise and to organise direct dialogue between experts from both sides regarding the court’s work in order to reach greater understanding on the nature of its work and to develop mechanisms and create a forum for the exchange of views on the work of the Court. Dr al-Marri, meanwhile, gave a lecture about the desired partnership between Arab countries and the International Criminal Court, attended by a number of ICC judges, judges of the special court on former Yugoslavia, a number of ministers, ambassadors of Arab countries in the Hague, ICC staff including the court’s vice-president, registrar and prosecutor general, as well as members of other international organisations in The Hague. Dr al-Marri underlined the need for the court to distance itself from politics, the necessity of the independence of justice, the belief that justice must be blind, stay away from political intervention, and from selectivity.

The ICC vice-president praised the role played by Qatar in this area, noting that it was for the first time during his eight years’ with the court that he was seeing a frank and direct dialogue between the court, represented by its different organs, and representatives from the Arab countries despite their non-accession to the ICC Rome Statute.
The Khmer Rouge trial under the gaze of history

Ieng Thirith during a pre-trial hearing before the Extraordinary Chambers in the Courts of Cambodia on 30 Apr 2010. She was the former Khmer Rouge minister of social action, currently charged with genocide, crimes against humanity, grave breaches of the 1949 Geneva conventions and crimes under the 1956 Cambodian Penal Code.

Photo courtesy ECCC POOL/Tang Chhin Sothy.

Sihanoukville. In the history of persons indicted for war crimes and crimes against humanity, it is not usual to see a woman. It is like leaders of violence and cruelty were men most of the time. However, if behind every great man there’s a great woman, behind every male criminal leader it seems that there is also a woman. In the case of former ministry of social action during the Democratic Kampuchea period (1975-1979), it seems Ieng Thirith was not only behind her husband Ieng Sary and his brother-in-law Pol Pot, but she is also accused as directly responsible of infamous crimes like extermination, imprisonment and persecution.

The credibility of the Extraordinary Chambers in the Courts of Cambodia – a UN-Cambodian tribunal to prosecute the surviving senior leaders of the Democratic Kampuchea and those responsible for war crimes, crimes against humanity and genocide – is under question. ECCC is about to start Case 002 this coming June 27, amid serious criticisms from human rights organizations and groups of the Khmer Rouge’s victims after the co-judges closed Case 003 in April, a case that could have brought two more defendants to court. Observers conclude that the ECCC most likely bowed to government pressure and the UN’s inaction, although the tribunal and the UN defend their independence.

But with this turbulent sea of critics, the ECCC is about to set a historical date this month when people like Ieng Thirith, her husband Ieng Sary, Khieu Samphan and Noun Chea, will answer before a court for their actions as political leaders of the bloody regime. It is sure that human rights groups, groups of victims and the press will follow the prosecutions carefully and that ECCC will meet more pressure from the public opinion. Why are these four persons considered the ‘only four surviving senior Khmer Rouge leaders,’ responsible for the atrocities of the ’70s. Did they do all those crimes? And why is the role of the victims so limited at the tribunal, almost as just observers.

Long years have passed since Democratic Kampuchea fell. The ECCC has been a long time coming, but all these years of waiting have produced a long list of scholars, investigations, evidence and documents that are available everywhere. This is a problem for the ECCC: It knows very well who did what, but will the sentences match the evidence?