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Liberia, Shed No Tears for Taylor

By Benedict Nyankun Wisseh

Not too long ago in May, in The Hague, Holland, former president Charles Taylor was convicted by the Special Court for Sierra Leon (SCSL) for war crimes committed in Sierra Leone. This marks the first time an African president, former or sitting, has been tried and convicted by the International Criminal Court (ICC) for war crimes committed in a civil war in another African country. Following his conviction, Taylor was granted an opportunity by the court to address its judges as they held in secret his punishment from the public. This, perhaps, was the last opportunity for Taylor to speak publicly about the circumstances that led to his resignation, arrest, trial and conviction.

As I watched and listened to the flamboyant Taylor, dressed in an immaculate dark-gray suit, he told the court that he was a victim of an international conspiracy led by the United States. He told the judges that “when a conspiracy was born and all systems put in motion, and here I stand today before you. I never stood a chance.” Then, appearing contrite, he went on to assert his innocence that he “would never have supported rebels who committed atrocities. What I did to help bring peace to Sierra Leone was done with honour.” Personally, I was not surprised by his claim of being a victim of powerful international conspirators as I anticipated it. I was only amused by this performance, which was impressive for a play-acting that only the Nigerian playwright, Wole Soyinka, could have written.

Charles Taylor, a “victim of an international conspiracy?” Perhaps, he was. But no one should shed tears for him. He began his dance with the United States intelligence in the late 1970s as a member of the United States based Liberian students’ organisation, ULAA. But the real benefits for Taylor came in 1985 when he mysteriously escaped from a federal prison in Plymouth, Massachusetts, where he was being detained in response to an extradition request for him by the Doe regime. In an interview with Collin Waugh in 1992, author of “Charles Taylor and Liberia: Ambition and Atrocity in Africa’s Lone Star State,” Taylor divulged how he escaped from the prison with the assistance of the American Central Intelligence Agency (CIA). He told Waugh that “I wouldn’t be in Liberia today if it weren’t for the CIA. One night I was told that the gate to my cell wouldn’t be locked, that I could walk anywhere. I walked out of jail, down the steps out into America. Nobody stopped me and I came home to Liberia.”

In Taylor’s own words, it leaves no doubts that he was a satisfied beneficiary of the designs of a United States led international conspiracy that, using all its systems, catapulted him to the head of the leadership of an armed rebellion that ended the life of Doe’s regime. Not only did this conspiracy plan and execute his escape from prison, it ensured his election as president of Liberia. He took this backing as a carte blanche for him to behave like his powerful foreign benefactors, destabilising other countries without any consequences. Therefore, delusional and arrogant, Taylor ignored that a partnership in an international conspiracy, especially one led by the United States, is always a perilous game of Russian roulette in which steps taken unilaterally by smaller players, to the chagrin of the big players, always lead to the demise of the former.

In Liberia, thousands of miles away from The Hague, Taylor’s supporters were vociferously defiant that their man should not have been forced from office and put on trial for crimes committed in the civil war of another country. They argue that he was democratically elected and, therefore, see his forced removal from office, arrest and conviction as a national humiliation. Perhaps it is. But no law abiding Liberians should shed tears for Taylor. For his supporters, one understands why they have missed him. No one is useful as a leader without followers who see the relevance of their existence and purpose in the approval,
inspiration, and vision of the leader. Taylor’s followers were violent and excelled in lawlessness and
taylor was violent and personally embraced lawlessness as president. This created the climate of
impunity for his followers to terrorise peaceful Liberians as they wished. But with his departure, the
climate of impunity evaporated, leaving them powerless.

Taylor launched his armed rebellion to remove a swinish tyrant from power because, as he said in an ABC
Nightline interview, to “bring about fair play and justice in Liberia.” In other subsequent interviews, he
justified himself to Liberians by asserting that he had launched the rebellion to restore their civil rights,
civil liberties, empower them and establish their sovereignty that had been suppressed by the Doe regime.
Liberian voters, the majority, believed Taylor as they ignored the painful recollection of the mindless
atrocities and destructions committed by his men and voted for him. But, as president, Taylor quickly
relinquished his belief in the effectiveness of justice, fair play and democratic dialogue with his critics. He
put the consolidation of personal power and the protection of greed and privilege above the interests of
Liberia as he imposed reign of terror on the country with his immediate family members in the vanguard
enforcing it with despicable brutality.

Generally, the Taylor’s administration, which was elected, was ironically characterised by extrajudicial
killings of ordinary Liberians. Chucky Taylor, Taylor’s son and commander of the notorious anti-terrorist
unit, became a master above the laws of Liberia. He and his bodyguard- thugs routinely arrested and
tortured ordinary Liberians because they overtook his car in traffic. Some were summarily shot to death in
public while others were taken to his military base and tortured to death. Although this behaviour was in
violation of Liberian criminal law, Taylor did nothing to stop it.

There was also Joe Tate, police director and Taylor’s cousin. As police director, Tate saw his job
description to include the violation, if not the suppression, of civil liberties and civil rights of Liberians.
Liberians who criticized government’s shortcomings in speeches and conversations were summarily
arrested and punished. Offices of newspapers that published such speeches were raided by the police and
their reporters taken to jail and tortured. The brutality employed by Tate to harass and intimidate the press
into silence was brutally efficient that some journalists reluctantly resorted to self-censorship while others
fled into exile.

In 1999, one Henry Cassell, Taylor’s brother-in-law and deputy commissioner of immigration, mindlessly
shot and killed a taxi driver in broad daylight for overtaking his car in traffic. Mr. Cassell was tried,
convicted and sentenced to life in prison. However, he was promptly pardoned and freed by Taylor.

Yet, in his address to the court, Taylor tried to depict himself as a caring man with an unequivocal
commitment to fairness and justice. He told the court that “during the war in Liberia, I punished people
responsible for crimes against others. Some were executed for rape, murder and other serious crimes. Let
me be very, very clear about one thing: I do not condone impunity in any shape or form.” Really? Then
which Charles Taylor, as elected president, swore to uphold the laws of Liberia but allowed his son,
cousin and brother-in-law to senselessly murder people in cold blood with impunity? If, as president, he
did not allow the Liberian judicial system to determine the guilt or innocence of his followers who
committed murders in peace time, he wants for us to believe him that he did not condone impunity for
people who committed murders in his name in lawless rebel land? In fact, as its modus operandi during
the war, Taylor’s rebel organisation only assigned senior military ranks to those who committed grotesque
murders in his name. So, if he punished people for crimes against others, it is reasonable to assume that it
was those he personally had no use for and who were not related to him.

Taylor’s effort to dislodge Doe from power destroyed whatever development that had taken place and
automatically halted whatever development that was taking place in Liberia. Everything that constituted
infrastructure development in Liberia was destroyed. Buildings that housed schools, hospitals and
community health centers were damaged, leaving the educational and healthcare systems unable to
provide needed services to students and the sick. Destruction to roads and bridges made travelling
inconveniently challenging, if not impossible. Also, the rebellion disrupted lives in the rural areas and dislocated people as they sought safe havens from village to village from predatory combatants who robbed and tortured them and gang-raped their daughters. All these conditions, at the end of the civil war, presented national development challenges for anyone who became president of Liberia.

As fate would have it, Taylor was elected president. Having led the rebellion that destroyed the country’s infrastructure, expectations were high that Taylor would take on and meet the challenges of reconstruction and development. But he failed miserably. In Gbarnga, the city that served as his headquarters during the civil war, Taylor did not repair a single one-mile road nor construct a two-room school building for kindergarten pupils. While ordinary Liberians struggled daily to meet the demands of life, in the absence of healthcare services, quality education, sanitation services, improved roads, pipe-borne water and electricity, he and his cronies rode around Monrovia in the latest expensive automobiles. The only concern Taylor had was that his then wife, now senator, Jewel Howard, did not recruit young women for him to satisfy his sexual appetite.

Taylor became president at a time Liberia was at a dangerous crossroad in its history because of his armed rebellion that is believed to have taken the lives of more than 200,000 people, displaced others, and destroyed the infrastructure of the country. At this crossroad, Taylor’s presidency began a public transaction with history. But, in more than six years, he did nothing to serve the greater good of all. He had neither visions nor imaginative dreams to find and use avenues of complex thread of reasoning to address the problems of Liberia. Taylor was elected democratically to govern democratically. But he ruled Liberia as a tyrant with Napoleonic delusions. For such president, Liberia should not shed tears. Goodbye Charley!

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The Hague will always be a tool of the West

Desmond Tutu is wrong to believe that dragging Blair before the ICC will make that institution more democratic.

‘In a consistent world, those responsible for this suffering and loss of life should be treading the same path as some of their African and Asian peers who have been made to answer for their actions in The Hague.’

So declared archbishop Desmond Tutu in a damning article in Sunday’s Observer. He was explaining that his reason for refusing to speak at a recent seminar alongside British ex-prime minister Tony Blair was the ‘staggering cost’ of Blair’s decision, alongside the then US president George Bush, to go to war in Iraq. ‘More than 110,000 Iraqis have died in the conflict since 2003 and millions have been displaced’, Tutu claimed. ‘By the end of last year, nearly 4,500 American soldiers had been killed and more than 32,000 wounded.’ Tutu believes it is grossly unfair that while some demand that ‘Robert Mugabe should go to the International Criminal Court, Tony Blair [joins] the international speakers’ circuit’.

Tutu is right to highlight the double standards of The Hague. Judging by the track record of the International Criminal Court (ICC), it’s hard to avoid the conclusion that it is a racist institution. As it stands, all of the 29 individuals indicted in the ICC – including the 16 people brought before the court, and the one person who has been sentenced – have been African. Indeed, being Arab Africans, Muammar Gaddafi and his close relatives are the only people to have been indicted who aren’t black.

This fact has led British QC Courtenay Griffiths, who acted as a defence lawyer for Liberia’s former president Charles Taylor at a recent trial by the Special Court for Sierra Leone at a venue in The Hague, to ask: ‘How is it possible that we have a situation where every indicted individual at the ICC is African and every investigation is, guess where, Africa? The ICC was set up to try those lesser breeds without the law – the Africans. This is the same civilising mission from the late nineteenth century and I find it, as a black man, totally objectionable.’

Not only is it almost entirely black people who are indicted by the ICC, but the countries where the majority of ICC-indicted individuals come from are some of the poorest in the world. It’s as if the ICC sees itself as a legal equivalent of a soup kitchen, spooning out indictments to countries starved of true justice. But the solution does not lie, as Tutu believes, in taking a more consistent, colourblind approach towards who gets indicted to The Hague. Bush and Blair being ‘made to answer for their actions in The Hague’, as Tutu puts it, wouldn’t redress the balance and make the ICC any more fair. The real problem with the ICC is the extent to which it operates apart from the populace, in an elevated legalistic bubble, where international judges assume authority over political matters.

Tellingly, the unaccountability of the ICC to the demos – any demos – is not what troubles many commentators, even those opposed to the Iraq War. The question, for many, isn’t whether Bush and Blair did the right thing by invading Iraq, it’s whether or not they broke any laws in doing so. As one Guardian commentator wrote this week: ‘There was also a moral case for not invading Iraq… But a moral case (and who has launched an aggressive war in modern times without claiming to possess one?) does not provide a legal basis.’

Even radical writers like Slavoj Zizek choose to place their faith in the ultimate temple of justice that is The Hague, rather than wanting to see brutal dictators being tried by their own people. During the Arab
Spring last year, Zizek did not call for the Egyptian people to pass judgement upon Mubarak, the despot who had ruled over them for decades. Instead, argued Zizek, Mubarak should be sent ‘to The Hague’. ‘If there is a leader who deserves to sit there’, he concluded, ‘it is him’. Such an attitude is also shared by a wide range of Western commentators towards the desire of the Libyan people to try the son of dictator Muammar Gaddafi, Saif, on their home soil. Better, many think, that he’s extradited to The Hague where true justice, free of the prejudices of the people who engaged in a messy political struggle against him, can take place. Should this happen, the capacity to self-govern would be ripped out of the hands of the Libyan people, and given to their supposed superiors in the West who can show them how it should be done.

Tutu’s calls for Blair and Bush to face trial at The Hague are likely to go unheeded for now. But on 1 January 2017, the ICC is expanding its remit to cover ‘crimes of aggression’, at which point it is likely to face a deluge of demands by campaigners to put the Iraq warmongers in the dock. Not in the name of morality, though, but to see if they can be hung using legal rope.

Despite the pleasure it may give some to imagine seeing Blair behind bars – fantasies about which have even been televised in the 2007 More4 drama The Trial of Tony Blair – such an expansion of the ICC’s remit is not to be welcomed. It may redress the colour balance in terms of who is tried, but it would also add to the number of areas of political life that international lawyers can rule over and pass judgement upon. And, as a result, the ever-increasing gulf between so-called international justice and the political will of the people is widened.

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GOD wants to say a few words. General Ratko Mladic - known by many during the Balkan wars as "the Butcher of Bosnia", but who preferred his self-appointed nickname, "God" - is anxious to address the court. This is most irregular. At pre-trial hearings, such as the one now under way in Court 3 of the International Criminal Tribunal for the former Yugoslavia (ICTY), it's normally just lawyer talk: paperwork, schedules, wrinkles to be ironed out before the first witness is called. No speeches, no jeremiads.

But General Mladic insists, says his counsel. He would like to say a few words. Judge Alphonsus Orie - a Dutchman with an impressive grey moustache confers with his two fellow judges. Turning back to the court, he inclines his head. "Mr Mladic," he says.

"We'll exceptionally allow ... " Mladic stands up. He is 70 now, and frail. Not the jowly, pig-eyed warrior of the 1990s, but a pensioner on a day trip. He wears a dark-blue, single-breasted suit, and a light-blue tie and shirt. Headphones, too, so he can follow proceedings in his own language. As he speaks, he raises one hand, as if hailing a taxi.
The ramble begins. He complains that he cannot understand the lawyerly language used in court. He asks whether America is paying the judges' wages. But his real problem is that the ICTY is using the wrong picture of him on its website and telecast - a photograph taken when he was arrested in Serbia last year.

The most influential people in Sport

He says the image makes him look ill. "When I was captured, I was weak and infirm," says Mladic. "Now, I have perked up a bit ... I want my enemies to die of envy when they see me."

As Mladic makes his vain entreaty in Serbian, my headphones transmit an English translation, spoken by a haughty-sounding woman. The effect is unintentionally comic. In any event, Judge Orie has soon heard enough. "You have used your time," he says. "Thank you, Mr Mladic, for your observations."

Here, in this quiet building in this quiet district of The Hague - a quiet city in Holland - men such as Mladic have a special name. They are not called defendants, or patriots, or rapists, or warlords, or butchers, or gods. No, while they are on trial at the ICTY, they are known as "the accused". That term at once anodyne and loaded - is a perfect fit for the tribunal. It was clear, from an early stage in the conflicts that ripped Yugoslavia apart between 1991 and 2001, that war crimes were being committed on a grand scale. For instance, in the Bosnian conflict, which began in 1992, there were concentration camps, summary executions and rapes. The term "ethnic cleansing" entered the lexicon.

It was also clear that the guilty parties were unlikely to face justice in their own countries. The United Nations - never the nimblest in a crisis - felt that something should be done to end this impunity. Its answer was the ICTY. The court, which was established in 1993 "for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia", has tried the perpetrators of the worst atrocities witnessed on European soil since the Nazi Holocaust.

The tribunal has attempted to bring 161 indicted men to justice. Sixty-four have been sentenced, and 13 acquitted. But its work has been slow. Because of the size of some cases (in which the accused are charged with dozens of crimes, each with a mountain of evidence), the dulling effect of translation, the multinational cast of lawyers and, until recently, the unwillingness of states in the former Yugoslavia to deliver wanted men to The Hague, the tribunal has rumbled on for nearly two decades. And its mission is not complete. Indeed, several cases - including those of the former Bosnian Serb leader Radovan Karadzic, and Ratko Mladic - will run to the middle of this decade.

Compared with the hurly-burly of criminal courts elsewhere, the ICTY's pace and relative isolation lends it a monastic air. Conversations are hushed, sober and polite. Even court cases involving notorious former world leaders unfold in an atmosphere akin to a poorly attended council meeting. But, as I would discover in a week of unprecedented access, the tribunal's somnolent appearance hides many surprises.

The first surprise is this: its people are messianic. One might think that, in a UN-funded body that employs 869 people, spends more than $140 million a year, and is - gradually - winding down, the work ethic might be dilatory. Not so.

Take Theodor Meron, the tribunal's small, spry president. At 82, he is responsible for the leadership of the ICTY, and also presides as a judge in appeals hearings. A Polish Jew who spent much of his childhood in a Nazi work camp manufacturing ammunition for the Germans, Meron trained as a lawyer in Palestine. Later in his career he moved to America, became a visiting fellow of All Souls College at Oxford University, a Shakespeare scholar, and a worldwide authority on international criminal law.

Until recently, Meron found it impossible to discuss World War II. He lost most of his family in the Holocaust. But this trauma has, he told me, informed his life's work. "My experience during the war was a
total loss of autonomy," he says. "It had a tremendous impact on me at that time ... [When I was nominated] as a judge in this tribunal, I thought it was some kind of fate, some kind of poetic justice."

Some of the worst crimes committed in the former Yugoslavia bore the watermark of the Holocaust. For instance, the photos taken at Omarska and Trnopolje - where Bosnian Muslims and Croats were interned and murdered by Serb nationalists - could have been taken at Belsen. Given Meron's history, how does he retain his objectivity? "I think that I would not have remained at The Hague for so many years if I had any doubts that my approach was not totally cool, objective, detached and professional," he says. But, I suggest, he would not be human if he did not hear a faint echo of his own experience. Meron nods. "Perhaps in some little cubicle in my brain," he says. "[But] it is not something I am actively thinking of when I'm sitting on the bench, no." Many staff at the ICTY have similar "cubicles" in their brains. Nerma Jelacic, the chief spokeswoman for the tribunal, was forced from her home in Bosnia as a 15-year-old in 1992, at the beginning of the war.

Before the conflict, she had been raised "as a Yugoslav", oblivious to ethnic differences. "It was strange, one day waking up and being told that, apparently, I'm a Bosnian Muslim," she says, with a laugh. Jelacic left the war, but the war never left her. She went on to work as a journalist in London but in 2003, she suffered an "existential crisis" and returned to Bosnia to work for an NGO. She began to track down suspected war criminals, armed only with her notebook and a winning smile. Surprisingly, nobody shot her. In 2008, she took on a job in the communications department of the ICTY. Why? "I felt that the impact the tribunal should have had was being denied across the region across all sides," she says. "When I think about what [this] region would be like today, had the tribunal not existed, I get a very, very bleak picture."

Her family was ousted from its home on the orders of men who've since walked through the ICTY's doors. Is it emotional work? "Of course, every day you deal with real people, and I will never stop having compassion for the victims," she says.

"But I've never developed hatred for those who are accused. And that is because, through the years, as I have tried to understand how things like this can happen, I realised that it can happen anywhere. It doesn't take a special type of person to start doing bad things in a war. Primarily, [the accused] are human beings."

The accused are certainly treated as human beings. Most of the 35 men currently held by the tribunal spend little time in the courtroom itself. Three courts sit in two shifts a day, so six cases can be heard daily. But often there are weeks-long delays. While the accused wait out their trials, and appeals, they are kept in a special prison called the Detention Unit, 3km down the road. Only once their appeals are finished are the sentenced men shipped off to one of 14 volunteer countries to serve their time.

The DU, as it is known, lies within a larger Dutch prison, housing run-of-the-mill inmates. To get there, one has to walk across an open yard and behind a high wall to a large redbrick edifice with a walled-off yard on one side. This complex houses not only ICTY inmates, but those from the International Criminal Court (ICC) too - a separate institution that tries war crimes from other parts of the world, mostly Africa. Because they are held under different jurisdictions, the African and Balkan accused never mix.

Among themselves, however, the ICTY’s accused are a sociable bunch. Given single rooms, with satellite television, desks, computers (without internet) and a loo, they exist in relative freedom on their shared corridors. They are allowed 10 days a month of visiting time, including 31/2 days for "family visits", which are unsupervised. On the wings, Bosnian Serbs mingle with Kosovars and Croatians. Men who formerly hated one another - indeed, tried to exterminate one another - now share cooking duties and celebrate each other's feast days with food they buy at the prison's Balkan shop.
They are allowed regular breaks for exercise. When the weather allows, most play tennis outside, and matches, I'm told, are fiercely contested. Indeed, when I arrived at the complex it was break time for the ICC prisoners, and Charles Taylor, the former president of Liberia, was sitting by the tennis court watching two Congolese warlords knock up. About an hour earlier he had been found guilty of aiding and abetting war crimes. If his appeal is unsuccessful, Taylor will be shipped from The Hague to serve his sentence in Britain. But, for now, he will string out his days in relative comfort.

As for the Yugoslav prisoners, Ante Gotovina, the Croatian general, is king of the tennis court. Gotovina was found guilty of committing manifold war crimes against the Krajina Serbs. The specifics of his indictment included murder, deportation, persecution and command responsibility over "inhuman acts" that included "burning" and "stabbing". It would take a brave opponent to question a line call.

On the whole, however, the prison governor - a cheery 58-year-old Brit named David Kennedy - says his men are no trouble. "Most of the guys were at the top of their organisations, so you've got presidents, generals, chiefs of police and heads of state departments, and ... well, they're mostly first-timers in prison. So, you know, they don't do the things that prisoners do in normal prisons. We don't have to deal with drug problems, for a start, and we don't have a violence problem ... It's very relaxed." The key to maintaining the calm, says Kennedy, is a rule of conversation the accused have devised themselves: no war, no religion, no politics.

The ICTY is a triumph of international co-operation. It employs staff from 24 countries. Lawyers and judges from different legal systems, speaking different languages, working on international criminal law - which, before the tribunal was established, had lain dormant for half a century - have somehow muddled along. British Judge Howard Morrison sits on the trial of Radovan Karadzic, who is accused of multiple war crimes, including genocide; he was arrested in Belgrade in 2008, disguised as a longbearded doctor of alternative medicine.

His trial, at which he represents himself, began in October 2009. Judgment is scheduled for October 2013. That, by anyone's reckoning, is a long haul. "Yes, it's a slow process," says Morrison. "The cases are huge, the mounds of evidence, the paper trails, the complexity of the case goes well beyond anything you'd normally find in a national jurisdiction, by a factor of 10. Everything has to be translated. It's expensive, and it takes a lot of time."

There is a perception that the ICTY, like many large UN-funded bodies, is something of a gravy train - the money's good, while the work is slow and bureaucratic. Is this true? "Anyone who thinks this is a gravy train ... !" exclaims Morrison. "You work in this place because you believe in it, or you go somewhere else."

The question that is often asked of the tribunal is this: justice for whom? Do the victims of heinous crimes committed in the Balkan wars feel that justice has been done because a judgment is handed down far away? Is it enough that these trials take place, that facts are established, and victims' voices heard? History's view on the ICTY will, I suspect, be kind. Its even-handed approach, its diligence, and its willingness to calmly call people to account for their role in the most terrible period in recent European history are significant achievements. What's more, its success has prompted a new enthusiasm for, and belief in, international justice.

In Tanzania, the International Criminal Tribunal for Rwanda has tried 50 cases relating to the 1994 genocide. In The Hague, the International Criminal Court has begun to process its logjam of cases. And the Special Tribunal for Lebanon is putting its wheels in motion. Justice is never perfect. But shortly before I leave the Detention Unit, I get a glimpse of what, in the case of the former Yugoslavia, a just result might look like. From a high window, I watch the yard of the prison, in which three Serbs - Vlastimir Djordjevic, Sredoje Lukic and Vladimir Lazarevic - are taking a walk around the tennis court. Between them, these men are facing 62 years in prison for crimes including multiple murders and forced
deportations. It has just been raining, and all three wear anoraks tied around their waists, like ramblers. Two sport huge bald spots. These men were once objects of fear. Now, stripped of everything except their right to a fair trial, and comfortable living conditions, they look like what they are: old men.

Beyond the high wall of the yard lies a pink, onestorey complex bounded by a series of dunes, the final barrier before the North Sea. The Nazis used to house Dutch prisoners there during World War II. Periodically, the Germans would take prisoners into the dunes and shoot them. It seems somehow appropriate that, 70 years later, suspected war criminals should be held here. The Nazis committed their crimes because they were answerable to nothing but their own ideology.

Likewise, the Balkan war crimes were committed by swaggering men who believed in the rectitude of their cause, and their inviolability. The ICTY might be slow, and bureaucratic - but it has transformed butchers and gods back into men.