

World News

EUROPE

Rights court finds Ireland at fault in abuse case

DUBLIN

BY DOUGLAS DALBY

In a landmark judgment, the European Court of Human Rights ruled on Tuesday that Ireland failed in its duty to protect a woman from sexual abuse as a child when she attended a Catholic primary school almost 40 years ago.

The ruling overturned a series of legal decisions by Irish courts over the past decade that found the state could not be held responsible for inhuman and degrading treatment suffered by Louise O’Keeffe, 48, when she was a schoolgirl in 1973.

The Irish state argued that although it had financed Dunderrow National School in rural County Cork, its liability did not extend to the school’s management or the actions of its personnel.

The European court disagreed, saying that every government has an “inherent obligation” to put in place appropriate safeguards to protect children — particularly during their primary education — and that Ireland had failed to do so.

The court said that the Irish state “had to have been aware” of sexual abuse of children but that it “nevertheless continued to entrust the management of the primary education of the vast majority of young Irish children to national schools without putting in place any mechanism of effective state control against the risks of such abuse occurring.”

The judges ruled 11 to 6 that Ireland had failed to meet its obligations, saying the country should compensate Ms. O’Keeffe.

A former school principal, Leo Hickey, was charged in 1995 with 386 criminal offences involving 21 former pupils of the school. He was imprisoned in 1998 for three years after pleading guilty to 21 charges.

The investigation found that in the early 1970s parents had approached the local priest responsible for managing the school but that no complaints had been forwarded to the police or the Department of Education.

The European court found the state had failed to provide any mechanisms to allow parents to raise their concerns with the civil authorities, echoing the arguments of Ms. O’Keeffe’s lawyer, Ernest J. Cantillon, that “it was a case of see no evil, hear no evil and therefore there was no evil.”

“What was particularly hurtful was that the state sought to blame Louise’s parents, who are now dead, and indeed the parents of the other children, for not reporting the abuse,” Mr. Cantillon said in a statement.

Following the judgment in Strasbourg, France, Ms. O’Keeffe described it as a “win for the children of Ireland” and called on the Irish government to introduce legislation, rather than guidelines, on child protection.

“Abusers hide behind guidelines. Legislation is what will secure the protection of the children so it is up to the state now to put the legislation in place,” she said.

The Department of Education said in a statement it would assess the implications of judgment and take the necessary steps to enact the decision.

“The abuse to which Louise O’Keeffe and many others were subjected in our recent past is a source of national shame and has taught us lessons that as a country we must never forget,” it said.

To lift economy, Greeks cut out middlemen

GREECE, FROM PAGE 1

economy, they represent a bottom-up effort to address an economic crisis whose closest antecedent may be the aftermath of World War II.

Attacks on profit-driven capitalism are hardly new in Greece, where Syriza, a coalition of radical leftist forces, nearly won the last national election in 2012 and, according to opinion polls, is now the country’s most popular party. Its leader, Alexis Tsipras, decorates his party’s office in Athens with a poster of the revolutionary icon Che Guevara.

But Syriza, like many other leftist parties across Europe, has had a hard time matching fiery rhetoric against “neo-Liberal” economics with concrete actions to ease economic pain, including 27 percent unemployment. It has focused mostly on denouncing job cuts, particularly in the bloated public sector, and attacking austerity measures imposed by Greece’s international creditors in return for bailouts worth 240 billion euros, or \$328 billion.

With the left deeply committed to much of the status quo, the task of answering calls for a new economic order and bringing some relief to Greece’s misery has fallen to people like Mr. Tsolakidis, who organizes the ranks of the no-middlemen movement in his region through a local nonprofit collective called the Voluntary Action Group of Pieria.

The movement seeks to cut out wholesalers, shop managers, state bureaucrats and anyone else between producers and consumers, and who once took a share of profits and added to the costs of goods. Instead, Mr. Tsolakidis’s group runs a website where orders are placed in advance and then distributed at markets to customers for a fixed price paid in cash.

His group takes a small cut to cover expenses, but it does not pay salaries to its members, more than 3,500 volunteers who have other jobs or are unemployed. It is a small link in a long chain of ventures seeking to create a parallel “social” economy, starting with what became known as the “potato revolution,” a now nationwide movement that has slashed the price of potatoes by getting farmers to sell directly to customers.

In addition to its regular no-middlemen markets, held in parking lots across the region, the Voluntary Action Group operates a free health clinic staffed by volunteer doctors and a pharmacy stocked with donated drugs.

Christos Kalaitzis, 53, a convert to the cause who grows kiwis, olives and chickpeas with his wife on their farm near Mount Olympus, acknowledged that he, too, was initially skeptical. He was so fed up with big wholesalers and exporters that went bust after taking his products, however, that he took the chance.

“The goal is not to destroy the old market system but just to slow it down and get it to change,” Mr. Kalaitzis said. “Maybe this is a bit romantic, but why should I sell to big companies if their checks bounce? If the free market in Greece worked properly, none of this would be necessary.”

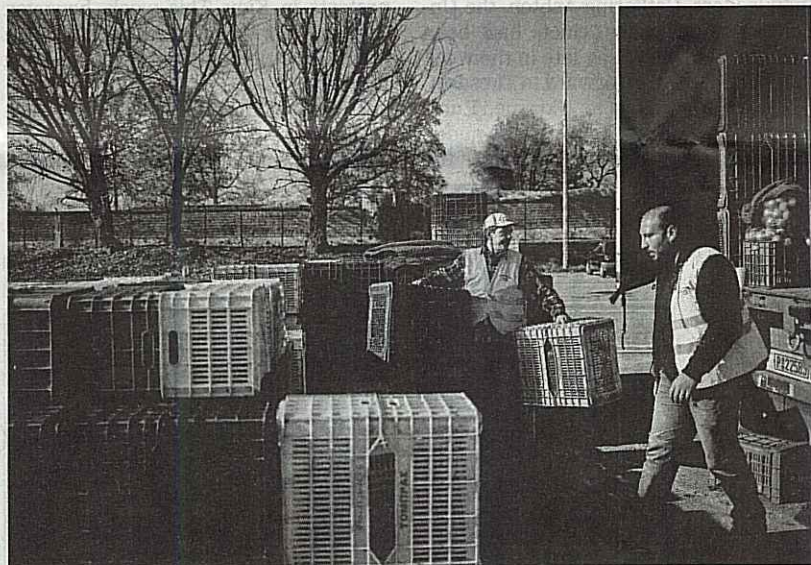
By cutting out marketplace middlemen and avoiding appeals to the state for help — the customary approach of many Greek leftists — the activists say they hope to address the passive despair felt by many Greeks, who may need a generation or more to climb out of their economic hole.

“This is a whole new concept for Greece,” said Fiori Zafeiropoulou, an expert on ways to mix social goals and business initiatives.

She advised officials drafting a new law that gives legal status to “social cooperative enterprises,” entities that combine both business interests and so-



Savvas Mavromatis, who makes detergents, said the purchasing managers at supermarkets all demanded bribes just to agree to a meeting so he could present his products.



Members of the Voluntary Action Group, a nonprofit organization that is trying to redefine the terms of commerce in Greece by distributing goods without demanding a cut.

cial benefits. Unlike left-leaning activists, however, she does not want to upend market forces, only to make them better serve the underprivileged.

Progress, she said, has often been slow because “in Greece there is a problem and the problem is called corruption” — what she defined as a culture that revolves around getting favors from the state, as well as demanding bribes and kickbacks.

Mr. Mavromatis, the detergent maker,

said the purchasing managers at supermarkets, whether owned by Greeks or foreigners, all demanded bribes just to agree to a meeting so he could present his products. They also asked for money to ensure an attractive display for his goods, he said. The price varied depending on which shelf he wanted his detergent placed, with the shelf near the floor costing less. On average, he paid about \$1,300 a transaction, plus gifts at Christmas and other holidays.

Mr. Mavromatis, 46, said that when he started selling through the no-middlemen group, “I had been dealing with supermarkets for so long I kept waiting for them to ask for money under the table, but nobody ever asked and I have not paid anything.”

“I could not understand why they were doing all this for free,” he added. “I was very suspicious and kept thinking: ‘where is the catch?’”

He said he believed in the free market, but not in Greece, where it is distorted by corruption at every level, public and private.

Mr. Mavromatis said he had invested about \$680,000 to upgrade his production line on a promise from the government that he would be partly reimbursed from “cohesion funds” provided to Greece from the European Union. But the government, he said, diverted the money earmarked for business development to pay for relief work after a rash of forest fires. He said the government still owed him about \$273,000, but he does not expect to be paid back anytime soon, if ever.

On top of that, Mr. Mavromatis said he was owed \$404,000 from shops and other buyers who purchased his detergents and paid for them with bad checks.

“In the beginning, I went to court to sue them, but they had no money,” he said, opening a ledger stuffed with worthless checks.

Today, Mr. Mavromatis is a regular at the no-middlemen markets. While he said he received a lower price than be-



fore, he no longer had to worry about paying bribes or getting checks that bounced. Struggling families, meanwhile, can buy household detergent, fruit and a host of other goods at a fraction of the normal market price.

Flush with cash for the first time since Greece’s economy went into a nosedive in 2008, Mr. Mavromatis recently bought a new Mercedes truck to transport his detergents from his factory in a village near the town of Katerini, the regional capital, and he has expanded his product line to include toilet paper.

Even after six straight years of recession, he said, “people need to wash clothes, do their dishes and go to the bathroom.”

Court rejects residency for Roma family

PARIS

Ruling backs judge who upheld decision to expel girl, parents and siblings

BY DAN BILEFSKY

A French court on Tuesday rejected a request for residency from the family of Leonarda Dibrani, a Roma teenager whose expulsion from France provoked days of protests and a national controversy last year.

In October, President François Hollande intervened after Ms. Dibrani, 15, whose family had been living illegally in France for five years, was pulled off a school bus by the authorities and expelled to Kosovo, along with her family. After protests, Mr. Hollande agreed to allow the girl back in, but only if she left her family behind, a condition she refused.

The court, in the eastern French city of Besançon, ruled that the magistrate handling the case had been justified in upholding a decision on Oct. 9 to expel Ms. Dibrani, her parents and her seven siblings. The family can appeal the court’s decision.

The court said it based its decision on the ground that there was nothing to prevent the Dibrani family from successfully reuniting in Kosovo. It said Ms. Dibrani’s father, Resat Dibrani, had no economic prospects in France, while her mother, who does not speak French,



Leonarda Dibrani crying at her home in Kosovo on Tuesday after the court ruling.

ARMEND NIMANI/AGENCE FRANCE PRESSE

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quoted as saying by Le Monde. “I am going to kill myself because here we have no life. My country is France. Here we are starving from hunger, we were sent here to die.”

The family’s lawyer, Brigitte Bertin, told the French news media that six of the seven Dibrani children were born in Italy and one in France, and not in Kosovo. She said the children were not getting a proper education in Kosovo in contravention of their rights.

The case spawned a loud debate on illegal immigration in France, where many of the 20,000 noncitizen Roma, a majority of whom come from Romania and Bulgaria, live in decrepit camps on the margins of French cities. Brazen begging and pickpocketing by young Roma children and lurid reports of Roma thievery in the French news media have helped fuel an anti-Roma backlash. The far right has seized upon the issue ahead of municipal elections in March.

Last year, Interior Minister Manuel Valls attracted criticism and applause after he said that only a minority of Roma could fit into French society, implicitly suggesting that they should leave.

Rights advocates have maintained that pulling Ms. Dibrani out of school was inhumane. They say the Roma face deliberate social exclusion. But others counter that rights come with responsibilities and that the family gave up its claim to remain in the country by living here illegally.

Lalita Clozel contributed reporting.

Mladic refuses to testify in genocide trial

LONDON

BY ALAN COWELL

Ratko Mladic, the former Bosnian Serb military commander who is facing war crimes charges in The Hague, refused to testify Tuesday at the trial of his former political ally Radovan Karadzic, saying he did not want to prejudice his own case and was medically unfit to give evidence.

The appearance of the two men in the same courtroom represented an unusual reunion. Mr. Mladic and Mr. Karadzic, the former Bosnian Serb political leader, have not been seen together in public for years. They are accused in different cases of overseeing and carrying out some of the worst atrocities of the Bosnian war from 1992 to 1995, including the execution of thousands of captives at Srebrenica and the siege of Sarajevo.

In a brief and frequently disrupted hearing that veered between anger and farce, Mr. Mladic delivered a fiery condemnation of the tribunal, calling it a “satanic court,” and forced a delay in the proceedings, which the court streamed online, by saying he was not wearing his dentures and could not speak properly until they were brought to him.

Even when Mr. Karadzic asked his former military chief a series of questions — including one about the causes of the sniping and shelling by Bosnian Serb forces surrounding Sarajevo — Mr. Mladic declined to answer.

As the hearing opened, lawyers for Mr. Mladic, 71, said he was entitled to

protection from self-incrimination and suffered from a condition known as “deception of memory,” making him unable to differentiate between truth and fiction and unfit to testify.

When the judges insisted that he testify, Mr. Mladic told the tribunal that he rejected its authority. “I do not recognize this hate court,” he said. “It is a satanic court.”

Mr. Mladic then complained that he could not testify because he had not brought his dentures to the courtroom. “I have no teeth,” he said, gesturing toward his mouth. Judges agreed to a brief adjournment while the dentures were retrieved from his prison cell.

The questioning, conducted by Mr. Karadzic himself, lasted a matter of minutes. Repeatedly, Mr. Mladic said, “I cannot and do not wish to testify,” saying testimony would “impair my health and prejudice my rights as an accused in my own case.”

The judges did not allow him to make a statement of his own.

When he was excused and allowed to leave the courtroom, Mr. Mladic rose and told the court: “Thank you for preventing me from stating what I wanted to say. You have confirmed my thesis

that the Hague court is not a court of law but a satanic court.”

Mr. Karadzic, facing an array of genocide and other charges, went on trial in late 2009 and has personally cross-examined many witnesses about bloody events, including the fall of the United Nations-protected enclave of Srebrenica in July 1995 and the subsequent execution of more than 7,000 captured Bosnian Muslim men and boys.

Mr. Mladic, who commanded Bosnian Serb forces at Srebrenica and elsewhere, went on trial in May 2012, a year after his capture in a Serbian village. He had been hiding out for 17 years under the protection of friends since the end of the hostilities.

As the political and military leaders of the Bosnian Serbs, the two men are held responsible by prosecutors for overseeing the brutal campaign across large parts of Bosnia during the war that aimed to create a land for ethnic Serbs only.

The massacre at Srebrenica was one of the most grisly emblems of the campaign.

The list of accusations against Mr. Karadzic includes actions to “permanently remove” non-Serbs from Bosnian Serb territory and to “eliminate” Bosnian Muslims in Srebrenica.

He also is accused of religious persecution, hostage-taking and the implementation of a military strategy “that used sniping and shelling to kill, maim, wound and terrorize” civilians during the siege of Sarajevo.