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Cambodian Tribunal Mired by Dispute

By Ker Munthit for The Associated Press

PHNOM PENH, Cambodia — Bickering between Cambodian and international judges has all but paralyzed the effort to bring members of the Khmer Rouge regime to justice for their murderous rule in the late 1970s.

The first trials had been expected this year, but the special tribunal, officially known as the Extraordinary Chambers in the Court of Cambodia, has been bogged down by infighting that many say could cripple the proceedings entirely.

Cambodian and U.N.-appointed judges wrap up a 10-day meeting Friday aimed at thrashing out their differences on how to integrate Cambodian and international law. The tribunal was set up to operate with the Cambodian judicial system, but with protections against corruption and political manipulation.

Squabbling over details about the rules to govern the trials has eaten up nearly a third of the tribunal's three-year plan. Further delay could mean that former Khmer Rouge leaders will never be brought to trial for turning Cambodia into the bloody land of "The Killing Fields."

"It's a race against time," said Theo Kidess, charge d'affaires of the German Embassy, whose country has contributed more than \$3 million to the tribunal's \$56.3 million budget.

"There's a growing impatience and definitely a sense of urgency that we need to get this done with," he said.

The radical policies of the now-defunct Khmer Rouge, who held power in 1975-79, led to the deaths of about 1.7 million people from execution, overwork, disease and malnutrition. But not one of the communist group's leaders has ever been brought to trial.

Pol Pot, the movement's leader, died in 1998. Ta Mok, its military chief, was imprisoned pending court charges, but died last July. Kaing Guek Iek, who headed the infamous Khmer Rouge S-21 torture center—also known as Tuol Sleng, and now a genocide museum—is the only leader now in custody awaiting trial.

Pol Pot's top lieutenants Nuon Chea, Ieng Sary and Khieu Samphan are alive but aging, with serious medical problems. There's a fair chance that death will put a claim on them ahead of any judge.

The tribunal was created by a 2003 agreement between the government of Prime Minister Hun Sen and the United Nations after six years of difficult negotiations and would-be withdrawals by both sides.

Vann Nath, one of the handful of survivors among the more than 14,000 prisoners who passed through S-21, said he is losing hope.

“Frankly speaking, the hope I have nurtured all along is rotting away now,” said the 62-year-old artist, who is battling chronic kidney disease.

He said he desires “only partial justice, not an ultimate one, and if we cannot even get that, our lives seem worthless.”

Patching up the differences “is not 'mission impossible,’” said David Scheffer, a former U.S. Ambassador-at-Large for War Crimes Issues.

But there “is certainly a possibility that the international judges, or some of them, might quit if the negotiations collapse on the internal rules,” said Scheffer, who helped negotiate the creation of the tribunal in the early stages.

“Hun Sen wants to keep control, and that's the bottom line,” said Brad Adams, director of the Asia division of New York-based Human Rights Watch, referring to Cambodia's prime minister.

The prime minister's critics have long speculated that he would not like to see too extensive a list of defendants, which could include former middle-ranking Khmer Rouge members who later became his allies. Hun Sen himself was a junior Khmer Rouge cadre who defected from the group before it was overthrown in 1979.

Muddying the waters further has been an allegation that Cambodian court personnel, including judges, had to kick back a significant percentage of their wages to Cambodian government officials in exchange for their jobs. Cambodian judges have dismissed the accusation.

The United Nations Development Program, which is managing some of the tribunal's funds, also has raised concerns about the transparency of the tribunal's hiring process.

Scheffer warns that without the trials and their official record, Cambodian society “will never fully recognize the significance of what occurred and of the nation's responsibility to prevent such crimes in the future.”

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