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Khmer Rouge Trial Rules Agreed at Last

PHNOM PENH — The trials of surviving Khmer Rouge leaders moved a big step closer on Friday as international and Cambodian judges said they had finally agreed on the rules of the tribunal.

"The review committee discussed in exhaustive detail many points and resolved all remaining disagreements, although some fine tuning remains to be done," they said in a statement at the end of 10 days of talks.

Disagreements which had held up the start of the tribunal, set up last year by Cambodia and the United Nations, ranged from admissibility of evidence and witness protection to the height of the judges' chairs.

The statement gave few details of what the agreement entailed, but it appeared to have ended what diplomats said was the threat of the UN side to walk away from trials expected to take three years and cost US\$53 million.

But it said one remaining point at issue was the fee demanded by the Bar Association of the Kingdom of Cambodia (BAKC) for international lawyers to join it so they can appear.

"The latest decision of the BAKC imposes a fee that is unacceptable to the international judges, who consider that it severely limits the rights of accused and victims to select counsel of their choice," the statement said.

It did not say what fee the Bar Association was demanding, but said the international judges believed it should not be an obstacle and the two sides had promised to thrash out their differences by the end of April.

It remained unclear when the trials would begin of 10 surviving leaders of the Khmer Rouge, who emptied the cities and embarked on four years of radical agrarian revolution in which an estimated 1.7 million people were executed or died of hunger or disease.

But tribunal spokeswoman Helen Jarvis said the agreement meant they could start soon.

"It means step a big forward and we hope soon we will be able to move to the judicial process," she said without elaborating.

Pol Pot, the "Brother Number One" of the government which spawned the "Killing Fields", died in 1998.

But "Brother Number Two" Nuon Chea, former head of state Khieu Samphan and ex-Foreign Minister Ieng Sary are all living free in Cambodia and are due to face trial.

The only senior Khmer Rouge figure in detention is Duch, head of the notorious Tuol Sleng interrogation centre, a former school in Phnom Penh where at least 14,000 people were tortured and executed before a Vietnamese invasion ended their rule in 1979.

The path to their trials has been strewn with difficulties and there have been constant suspicions that the Cambodian government, despite its public protestations to the contrary, did not want them to go ahead.

The government has many officials with Khmer Rouge backgrounds who would not want their backgrounds investigated too closely and China worries details of its support of the back-to-the-soil "Year Zero" government will come out, diplomats say.

The issue was raised at a meeting between the European Union and Southeast Asian foreign ministers this week in Nuremberg, scene of post-World War II trials of German Nazi leaders.

"Time has passed, but not all the things have been forgotten," EU foreign policy chief Javier Solana said as he urged a swift start to the trials.

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