

20 March 2007

Khmer Rouge Genocide Trial Back on Track

The Khmer Rouge genocide tribunal looks like it might finally be on track. International and Cambodian judges have now agreed on a draft for the internal rules of the Extraordinary Chambers in the Courts of Cambodia.

Presenter/Interviewer: Barbara Gruber

Speakers: Vann Nath, survivor of Phnom Penh's notorious Tuol Sleng prison; Sara Colm, Human Rights Watch Cambodia; Son Chhay, opposition parliamentarian

GRUBER: Vann Nath is one of only three survivors of Phnom Penh's notorious Tuol Sleng prison. It's where more than 14,000 people were tortured and executed during the Khmer Rouge regime. Today the 62 year old runs a small restaurant to support himself and his family.

VANN NATH: I was very fortunate to survive. I was an experienced painter. And when I was in prison they needed me as a painter.

GRUBER: Vann Nath's experience as an artist saw him paint official portraits of brother number one, Pol Pot—the head of the Khmer Rouge. Since then, Vann Nath has been waiting for justice.

VANN NATH: Everyday I look to the Khmer Rouge Tribunal, this is my biggest hope because I want to know if there will be justice for those who've already died and for those who are still alive.

GRUBER: The tribunal has suffered many delays and one of the causes has been dispute over the court's internal rules, including the issue of foreign defence counsels. It's now been agreed that they should take part. But they could face a registration fee. The Cambodian Bar Association plans to charge international lawyers US\$2,000 to work in Cambodia. Sara Colm of Human Rights Watch in Cambodia says the move could make international lawyers stay away, so it needs to be resolved.

COLM: In order for these trials to be credible the defendants need credible defence, so if the defendants want international defence they should get that right.

GRUBER: There'll be a plenary meeting in April to formally approval the internal rules. But four international judges have already threatened to boycott the meeting if the fee dispute is not resolved. Sara Colm says the agreement on Internal rules gives the illusion of progress when in fact there is no clear political will for fair and independent trials. She is concerned that the tribunal is not a true international tribunal, but an extension of the Cambodian judicial system.

COLM: The Cambodian judiciary is notorious for being very susceptible to political interference and corruption and there are many, many examples we can point to over the years and the fact

that sitting on the Khmer Rouge Tribunal are judges and prosecutors that have been involved in some of the most famous show trials is cause for great concern.

GRUBER: Son Chhay, an opposition parliamentarian, says he believes the Cambodian government has interfered in the work of the tribunal at every stage. He says the majority of the Cambodian judges have no experience in international law and are not independent.

SON CHHAY: We want to have a proper trial of the Khmer Rouge, I am a person who suffered under the Khmer Rouge myself. We have suffered too much under the Khmer Rouge, now this tribunal will not bring us justice, only bring another suffering. I doubt that anything will happen, and if it happens it will only be a showcase, it's not going to be real.

GRUBER: Back in Vann Nath's restaurant, the 62 year old says he is determined to testify.

VANN NATH: I still dream of my effort to survive every night. I believe in the future, not just the past. We can't forget the past, but we have to think of how to avoid brutal regimes in the future. That's why I must live on.

GRUBER: The wrangling over the internal rules of the Khmer Rouge Tribunal has consumed almost a third of the tribunal's three-year life span, and time is running out. Close to two million people died of overwork, starvation and execution under the Khmer Rouge. Any more delays will mean that the victims and perpetrators might never see justice before it's too late

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