

21 March 2007

Legal Issues Dominate Discussion

The New Year has seen legal issues come to the fore in Cambodia, so much so that Prime Minister Hun Sen's remarkable promise to go on leading the country until he is ninety years old—he turns 55 in August 2007—evoked remarkably little comment. This is almost certainly a reflection of the general acceptance that, for the moment at least, Hun Sen is beyond challenge politically. Moreover, his latest statement on his planned political longevity builds on the promise he made nearly five years ago, when he spoke of staying in his position for another ten years.

For many, both Cambodians and foreign observers, the most important contemporary political issue is the future status of the Khmer Rouge Tribunal—or to use its official name, the Extraordinary Chambers in the Courts of Cambodia (ECCC). When the ECCC met on 25 January in an effort to establish Internal Rules as how it would function there was a lack of agreement among the judges about procedures. Although there have been no public statements concerning the nature of these disagreements, it is widely believed that some of the international judges have objected to the proposed rules supported by their Cambodian colleagues. At the same time, the issue of what role may be played by foreign lawyers, should the ECCC begin its hearings, remains unresolved. In regard to this latter point, some foreign NGOs, notably Human Rights Watch, have raised the possibility that objections to the role of foreign lawyers playing a part in proceedings from the Cambodian Bar Association are the result of government interference.

These developments, or the lack of them, are occurring at a time when prospective defendants before the ECCC grow older and more infirm. Currently, there is only one prospective defendant in custody, Duch, the former director of S-21, the Tuol Sleng extermination centre. Other possible candidates for prosecution are in their eighties or seventies, and in the case of Ieng Sary reportedly in very poor health.

In a city prone to rumour and conspiracy theories, there is no shortage in Phnom Penh of explanations for the slow pace of developments associated with the ECCC. Principally these relate to the fact that the present government has no wish to have a trial process take place which would reveal the extent to which there are many former Khmer Rouge figures holding positions of importance in the administration. There is an interesting contrary point of view to this theory, enunciated by the distinguished biographer of Pol Pot, Philip Short. While doubting the efficacy of the proposed trial process, Short suggests that if the prosecutions take place they could serve to 'delineate' the current government as a separate entity from its criminal predecessor.

At the same time, there is a widespread belief in Phnom Penh circles critical of the Hun Sen regime that the Chinese government would prefer that the trials do not take place, since if they did the extent of Chinese support for the Pol Pot regime would once again be brought into public gaze.

Meanwhile, critical voices are also being heard in relation to Cambodia's judicial system as a

whole. Nearly two years ago Hun Sen spoke very critically of Cambodia's court and the administration of justice, vowing to deal with the corrupt system with an 'iron fist'. Since then little, if anything, has happened to reform the system. As Human Rights Watch observed in its annual report on Cambodia, 'The courts . . . continue to be used to advance political agendas, silence critics and strip people of their land.'

Away from the legal arena, observers are waiting to see whether the government is going to act on the conscription law that it introduced last October. Variousy condemned by its opponents as a means for controlling disaffected youths and as a law likely to be administered in a highly selective fashion, it is clear that a program of conscription will do little to counter the very high unemployment rate of young Cambodians.

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