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Judge says Cambodian genocide tribunal in jeopardy if court rules not adopted

Phnom Penh, Cambodia: The future of the Khmer Rouge genocide tribunal could be in jeopardy if Cambodian and international officials fail to agree on procedural rules when they meet this month, a foreign judge said Wednesday.

But if the issues are resolved, the first court sessions could be held by early 2008, said Marcel Lemonde, a co-investigating judge for the U.N.-backed tribunal.

"We say ... the trial must begin. People have been waiting for this trial for 30 years, and we can't delay anymore," Lemonde said.

The tribunal, set up to prosecute former Khmer Rouge leaders for alleged genocide and crimes against humanity, has already suffered "a bit of a question of credibility" because of delays, said Lemonde.

"And if the rules were not adopted at this time, then it would be dramatic for the future, the very existence of this court," said Lemonde, a U.N.-appointed judge.

The radical policies of the Khmer Rouge caused the death of about 1.7 million people through hunger, disease, overwork and execution during its horrific 1975-79 rule.

The meeting for Cambodian and U.N.-appointed judicial officials is slated from May 31 to June 13. Asked if this was the last chance for the procedural rules to be adopted, he said, "I would say so, yes."

The tribunal was created last year under a 2003 pact between Cambodia and the United Nations.

Trials were originally expected to start this year but have been repeatedly delayed by procedural disagreements between Cambodian and foreign judges. The setting of expensive legal fees for foreign lawyers wanting to take part in the tribunal was the latest obstacle, before being resolved last month.

Many fear the remaining Khmer Rouge leaders, who are aging and in declining health, could die before the trial starts.

Lemonde, formerly a judge in France, said "if everything goes correctly" at the coming meeting, the investigation phase would begin in the weeks afterward. He said the goal is to start the trial proceedings "at the beginning of 2008."

He declined to estimate the number of possible defendants but said the tribunal will try not only the most senior Khmer Rouge leaders.

While the tribunal will not be able to prosecute hundreds of defendants, he said it cannot let "very serious criminals" escape justice.

"We couldn't (just) say 'well, there are too many defendants, and this person is supposed to have killed 1,000 people but we won't deal with him.' This is not acceptable for the victims and for everybody in the world," Lemonde said.

"If we understand and get evidence that somebody has committed large-scale crimes, even if he's not a very high-ranking person, he will have to answer for his crimes," he said.

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