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Judges Meet to Keep Ball Rolling on Cambodian Genocide Trials

Phnom Penh, Cambodia: Cambodian and foreign judges met Thursday to narrow their differences on holding a much-delayed U.N.-backed genocide tribunal for former leaders of the Khmer Rouge, a brutal regime blamed for the deaths of 1.7 million people.

The judges' task over the next two weeks will be to adopt procedural rules necessary for convening the trials for crimes against humanity and genocide, hopefully by early next year.

Many fear that unless agreement is reached quickly, the aging defendants could die before being brought to justice.

Tribunal spokesman Reach Sambath said the meeting "is a very important and historical chance to bring the tribunal forward."

With the likely defendants ailing and frail, and almost three decades having passed without their victims seeing justice done, the tribunal has no more time to lose, said Marcel Lemonde, a co-investigating judge.

"We know that some of the possible defendants are elderly people. They might die, so that's precisely the reason why we have to be very diligent and try and organize proceedings as soon as possible," Lemonde told The Associated Press.

Once the rules are adopted, the investigation phase should begin within weeks.

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

The tribunal, officially known as Extraordinary Chambers in the Courts of Cambodia, was created last year after seven years of contentious negotiations between the United Nations and Cambodia. The government of Prime Minister Hun Sen — a former Khmer Rouge soldier — constantly bullied the world body for control of the joint venture.

With a US\$56.3 million (€42 million) budget limited to three years, trials had been expected to start this year. But Cambodian and foreign judges spent the last six months bickering about the rules. The setting of expensive legal fees for foreign lawyers wanting to take part in the tribunal was the latest obstacle, resolved only in April.

The tribunal is an unprecedented hybrid, with Cambodian judges holding the majority in decision-making matters but needing one supportive vote from a foreign counterpart to reach a super-majority to prevail.

It is operated under the Cambodian judicial system, often described by critics as weak, corrupt and susceptible to political manipulation.

Lemonde himself never worked at an international tribunal before but was a judge in France for 30 years. Cambodian law, which guides the proceedings, is based on the French model.

"The whole system is a very complicated one," he said, pointing out that every decision has to be made jointly. Even language is a huge headache, he said, because everything has to be translated into Cambodian, English and French.

The rules have "only been one tiny issue that has taken a lot of energy and time from everybody," said Theary Seng, executive director of Center for Social Development, a non-governmental Cambodian group that monitors the country's courts.

Their adoption, she cautioned, will remove "only one hurdle among countless potential hurdles" ahead.

She said the larger concern is that the quality and determination of the tribunal and its personnel, both Cambodian and foreign, have yet to be tested, and they will have to show both mettle and flexibility.

Cambodian officials will be thinking in the context of their future careers, taking into account the country's political pressures, which will remain long after their foreign counterparts have gone, she said.

The U.N.-appointed officials are also facing a heavy responsibility because "they have to balance their role as international judges and prosecutors with integrity and a known name already, and they have to balance that with their concerns and their suspicions that the process may not be up to a level that they feel comfortable with," she said.

"This court has been organized probably not in an ideal way," said Lemonde, "but this was the only one acceptable to everybody."

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