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Cambodia pushes to curb Khmer Rouge court, group says

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Cambodian Prime Minister Hun Sen is trying to prevent the United Nations-backed Khmer Rouge genocide tribunal from expanding prosecutions of former regime officials and undermining its independence, Human Rights Watch said.

Hun Sen told French President Nicolas Sarkozy last week the court's efforts to prosecute more Khmer Rouge officials than the five in custody threaten stability, the New York-based group said, citing a senior Cambodian aide who attended the meeting.

"The UN and international donors need to put their foot down," Brad Adams, Asia director at Human Rights Watch, said in a statement e-mailed today. "Hun Sen has no role in this court" yet keeps trying to interfere. Calls to Cambodian government spokesman Khieu Kanharith weren't answered.

The trials are central to reconciliation in Cambodia, where one in five people died at the hands of the Khmer Rouge between 1975 and 1979. The movement, which drove the population out of cities to work on collective farms as it tried to establish an agrarian state, is blamed for the deaths of at least 1.7 million people through starvation, disease or execution.

Based in the capital, Phnom Penh, the tribunal, known as the Extraordinary Chambers in the Courts of Cambodia, is prosecuting Khmer Rouge leaders for crimes against humanity.

The five senior officials in custody are Kang Kek Ieu, known as Duch, the former chief of Tuol Sleng prison; Nuon Chea, the deputy to the Khmer Rouge leader, Pol Pot; Khmer Rouge foreign minister, Ieng Sary; social affairs minister, Ieng Thirith; and head of state, Khieu Samphan.

Threat of conflict

In January, the Cambodian co-prosecutor, Chea Leang, rejected a call to prosecute six more suspects by international co-prosecutor, Robert Petit, according to Human Rights Watch. Petit said the additional cases fell within the court's mandate and "would lead to a more comprehensive accounting of the crimes that were committed."

Chea Leang cited considerations about "Cambodia's past instability and the continued need for national reconciliation" for her decision. She said the tribunal's mandate -- to try senior Khmer Rouge leaders and those most responsible for crimes committed during

their rule -- could be fulfilled by prosecuting the five officials, according to Human Rights Watch.

Vietnamese forces ended the rule of the Khmer Rouge when they captured Phnom Penh in January 1979. Khmer Rouge fighters resisted in the west of the country until the final units surrendered to the Cambodian army 20 years later. Pol Pot died in his jungle hideout in 1998.

‘Evidence, not politics’

“It is specious for the Cambodian prosecutor to assert that prosecuting five people for the deaths of as many as 2 million people is sufficient,” said Adams. “The court has the capacity to take on additional cases. Each decision to prosecute an individual should be based on evidence, not politics.”

Human Rights Watch called for the tribunal’s pre-trial chamber, scheduled to meet next week, to make a prompt and independent decision on the scope of the prosecutions to end perceptions that court decisions are directed by the government.

Ten years in the making and more than three years in operation, the $100 million tribunal has been plagued by reports of corruption and political interference, according to the group.