

Canadian Takes Key Role in Cambodia Tribunal

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A lapse of 30 years, budgetary problems, and allegations of corruption and bias are making the upcoming Khmer Rouge criminal tribunal different from the international courts Robert Petit has been involved with in Rwanda, Kosovo and East Timor.

Robert Petit is about to embark upon another journey to bring justice to a far-flung country that has suffered through a genocidal regime.

On Friday, the lawyer with Justice Canada's War Crimes division is flying to Cambodia where, for the next three years, he will serve as co-prosecutor for the much-anticipated Khmer Rouge tribunal, leading the charge to hold accountable those who were responsible for creating the Southeast Asian country's notorious killing fields.

Mr. Petit is already an old hand when it comes to working on international tribunals, including those in Rwanda, Sierra Leone, Kosovo and East Timor. But the Cambodian tribunal, which has been fraught with questions and allegations over the years, will be a unique experience with new challenges.

"This is definitely a different animal," Mr. Petit said in an interview with Embassy last week.

Criminal Cases on a Large Scale

For eight years Mr. Petit worked as a criminal prosecutor in Montreal before he decided to "do something different" and apply for a position with the newly established International Criminal Tribunal for Rwanda in 1995.

He started as an investigator before becoming a prosecutor in the trials of some of Rwanda's most infamous Hutu leaders.

"It was a mind-opening experience, both professionally and personally," he said. "It was my first time off the North American continent. There are so many differences in the world about how people do things, how people react to things. It gives you a whole new perspective on life."

From there he moved to the other tribunals, which focused on war crimes and crimes against humanity in some of the world's most recent conflicts, which he describes as essentially criminal cases on a large

scale.

"Ultimately, that's what it is," he said. "It's a crime. There's an act, there's a victim and there's a perpetrator. It comes down to the same process.

"To my mind, aside from the types of crimes and the sheer magnitude of them and the sheer horror of them...it still remains the same principle. You're representing the victims. The pressure is the same in that you have a responsibility to represent the voices, to represent the victims."

Rwanda was only the second international tribunal established in more than a generation, and Mr. Petit acknowledged there were mistakes.

"It was the beginning of this whole process of international accountability," he said. "We learn as we go along. Before [the International Criminal Tribunal for Yugoslavia], the last one was Nuremberg. And now we have over 10 years of jurisprudence."

Thirty Years in the Making

Unlike the other tribunals Mr. Petit has already worked on, the Khmer Rouge tribunal will provide many differences. Between 1975 and 1979, an estimated 1.8 million Cambodians died of starvation, overwork and execution as the Khmer Rouge attempted to convert the country to an agrarian society.

Over the ensuing 30 years, a large amount of evidence and documentation has been accumulated in the hopes that the tribunal would become a reality. However, in the meantime, many key witnesses have died, as well as many of the regime's most senior leaders.

In addition, the Khmer Rouge tribunal will be unique in that the court will be conducted using Cambodian rather than international laws, has a hard three-year time limit that begins the moment Mr. Petit takes up his posting, and Cambodian judges and prosecutors will be working on the tribunal with international counterparts.

Critics have long argued that the judiciary in Cambodia is corrupt and politically biased and that the government of Cambodia and other countries like China that supported the Khmer Rouge do not want the tribunals to move ahead.

Mr. Petit, who will be working with a Cambodian prosecutor during the tribunal, said he has heard the concerns, but is approaching the tribunal with an open mind.

"I'm assuming we're all showing up to do the same thing for the same reasons," he said. "Whatever anybody else says is irrelevant. I'm working on that assumption."

Another challenge will be the Khmer Rouge tribunal's budgetary problems and limitations. The tribunal budget is slated at \$56 million, significantly less than the other tribunals Mr. Petit has worked on and officials have warned it may go over budget.

However, the Cambodian government, which was to pay \$13.3 million, has said it cannot afford to cover its full share and international donors—including Canada, which has contributed \$2 million—is reluctant to hand over more money.

"You always want more [funding] because you could do more," Mr. Petit said. "This one is particularly impacted by this. For whatever reasons, this is the deal we got. You don't let it stop you."

He said it's important that the Khmer Rouge tribunal move forward to bring accountability to those who have gone unpunished for 30 years, and encourages the international community to contribute what it can.

"It should be in every country's interest to contribute," he said, "The interests are the same; they are shared by humanity. You want justice for everyone.... It's very important for every country that can to support this tribunal. This will be the only accountability process."

As for when the trials for the tribunal, which has been in the works since 1997, will actually begin, Mr. Petit wasn't saying.

"I've been at this too long to tell you a date," he said. "We'll see what we find there."

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