

Cambodia to Try Khmer Rouge Leaders
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Tuesday, January 2, 2001; 11:38 AM PHNOM PENH, Cambodia — Cambodian lawmakers on Tuesday agreed to set up a tribunal to try former Khmer Rouge leaders, a key step forward in U.N.-led efforts to bring to justice those behind the Maoist regime that killed more than a million people in the 1970s. The passage follows two years of negotiations as the United Nations and United States pushed a reluctant Cambodian government toward the first thorough trial of Khmer Rouge leaders. The legislation largely meets the U.N. demands, but critics warned it gives the corrupt and politicized Cambodian legal system too much influence. Cambodian judges would have a one-person majority at each level of the proposed tribunal, but at least one international judge must side with them before a binding judgment can be made. The National Assembly approved the draft, which establishes a tribunal of Cambodian and international judges, after two days of discussion, with all 92 lawmakers in attendance backing it. Thirty legislators were absent from the vote. Surya Dhungel, with the U.N. High Commissioner for Human Rights office in Cambodia, said the legislation complied in "substantive matters" with an informal July agreement between the government and the U.N., but small details still needed to be combed through. The legislation must now be approved by the Senate and Constitutional Council, and signed by King Norodom Sihanouk. Then an agreement between the government and the United Nations must be signed before the tribunal can be convened. But the National Assembly was the major hurdle facing the legislation. Assembly president Prince Norodom Ranariddh has said it could take a year or two to prepare for a trial. Currently only two senior leaders are in prison from the brutal regime, which took power in 1975 and caused the death of some 1.7 million people from starvation, disease, overwork and execution in its campaign to create an agrarian utopia before it was toppled in 1979. The movement's top leader, Pol Pot, died in 1998. "To sentence the leaders of the Khmer Rouge genocidal regime is meant to finish the regime forever," said Heng Samrin, a former Khmer Rouge military subcommander who turned against the communist movement in 1977. According to the law, the tribunal would prosecute the "senior leaders ... and those persons who are most responsible" for atrocities committed by the Khmer Rouge. Former Khmer Rouge officials now in Prime Minister Hun Sen's Cambodian People's Party have feared they or their associates could be targeted leading to political unrest. But they and other opponents to a tribunal were placated by the clause specifying that only those "most responsible" for the atrocities would be tried. Despite the legislation's broad backing in the assembly, two of Cambodia's most prominent lawmakers — assembly president Prince Norodom Ranariddh and Hun Sen — were absent from the vote. Opposition lawmaker Chheam Channy warned Cambodia's legal officials not to "change the law's color" once the tribunal begins. Pol Pot and his top lieutenant Ieng Sary were tried in absentia after Vietnam ousted the Khmer Rouge in a military invasion in 1979, but it was widely regarded as a show trial not meeting reasonable standards of justice. Most of the Khmer Rouge's aging leaders have died or defected to the government side and live free in Cambodia. The two senior figures now in custody are Ta Mok, 74 — once the Khmer Rouge's military chief — and Kaing Guek Iev, known as Duch, the head of Tuol Sleng prison and torture center. Last

month, Hun Sen said massive unrest could result if Ieng Sary is targeted by the tribunal. Ieng Sary broke away from the Khmer Rouge's crumbling guerrilla organization and joined Hun Sen's government as foreign minister in 1996, bringing thousands of combatants and civilians with him. Hun Sen said Ieng Sary's followers might create unrest if he were tried. Hun Sen said the tribunal could reach two other top figures. Khieu Samphan, 68, the movement's nominal leader, and political ideologue Nuon Chea, in his early 70s, left the Khmer Rouge not long before its final collapse in late 1998. Both live modestly and freely in the northwestern town of Pailin, not far from the Thai border.

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