

Khmer Rouge trial

EDITORIAL

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Nearly 30 years ago, horrible carnage took place in Cambodia at the hands of the Khmer Rouge under the leadership of Pol Pot. The death toll resulting from forced labor, torture and other atrocities is estimated at about 1.7 million.

Who ordered the genocide and why did it happen? A special court to inquire into the responsibility for the killings will convene next month. The court will be administered jointly by the Cambodian government and the United Nations. From Japan, Motoo Noguchi, a professor at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, was appointed to serve as a foreign judge.

After the administering of oaths in Phnom Penh, investigations will start in earnest. Currently, two former chiefs of staff of the Khmer Rouge are under detention awaiting the trials, which are scheduled to open next year. Many of the leaders, including Pol Pot, have died. But we expect the court to hear testimony from as many witnesses as possible to unveil the mechanism that led to the killings.

It is the role of international society for the cause of justice and humanitarianism to try acts of cruelty committed by tyrannical regimes as well as inhumane crimes that occurred during civil wars. The role transcends the sovereignty of the country where the crimes took place. Cambodia is not the only case. During the 1990s, the United Nations Security Council set up courts to try those responsible for the civil wars and atrocities in the former Yugoslavia and Rwanda. But it is difficult to maintain a just balance between the sovereignty of the countries concerned and fair judgment. And leaving jurisdiction in the hands of a third party, such as the United Nations, would be opposed by many people.

The special court to try surviving Khmer Rouge leaders was established under an agreement between the United Nations and the Cambodian government. It can be interpreted as halfway between domestic and international courts.

To win the cooperation of the current Cambodian administration, which does not want foreign interference in its internal affairs, the court limited the number of foreign judges and allowed Cambodia to take the initiative. Some critics point out that such consideration for internal affairs could affect the trial and hamper efforts to conduct a thorough investigation. Still, we believe this is an inevitable way to end Cambodia's

dark age without breaking the national reconciliation reached after the conflict.

A similar half-domestic half-international special court to try war crimes was set up for Sierra Leone. About 10 suspects were indicted by the special court, which convened several years ago to try acts of atrocity that caused the deaths of 50,000 people during the civil war in the western African country. Charles Taylor, former president of Liberia, which shares a border with Sierra Leone, was also arrested on suspicion of supporting organized armed forces. The special court is demanding that Taylor's trial be held at the International Criminal Court (ICC) in The Hague for fear that remaining elements of the Taylor regime could disrupt procedures.

Investigations are also under way into the conflicts in Uganda and Sudan at the ICC, which started operations in 2003. To maintain fair trials, the ICC should cooperate with the special courts that have been set up. Although Japan has yet to join the ICC, it plans to shoulder half of the expenses put up by the United Nations to run the special court in Cambodia. We hope to continue providing as much support as possible to try brutal acts that are occurring throughout the world and to part with the insanity of the times.

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