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Time Running Out for Cambodia Genocide Trials

PHNOM PENH — International judges for the coming Khmer Rouge genocide trials in Cambodia have warned that time is running out to resolve deep disputes with their local colleagues and get the tribunal started.

The public trials for leaders of the Maoist regime, which left up to two million people dead in the country's notorious killing fields in the late 1970s, were due to begin in the middle of this year.

But more than seven months after being sworn in, the 29 judges on the joint UN-Cambodian court still have not agreed on more than 100 rules that spell out how the tribunal will work from day to day.

"It doesn't seem realistic to hope for the first public hearing before early 2008, but beyond that I can't be very precise," said Marcel Lemonde of France, one of the 14 foreign jurists who will take part.

"There is one point on which the international judges are unanimous—these trials should take place quickly or not at all," Lemonde said.

Some of the issues still to be ironed out are central questions about the court's authority—including independence of the judges and the role of foreign defence counsels, he said.

"In principle, everyone accepts participation by foreign lawyers. It's the conditions under which they can intervene that need to be clarified. Defendants should be able to freely choose them, and (the lawyers) should be able to intervene freely," Lemonde said.

Cambodia wants foreign judges to register with the Cambodian bar, which requires a payment of 2,000 dollars. Government spokesman Khieu Kanharith said the international lawyers have agreed to register, but not to pay the fee.

"These things always take time, especially when we're starting not necessarily from scratch, but from less of a clear background than we've had in other tribunals," said one of the two prosecuting judges, Robert Petit of Canada.

"We're all professionals, we're all grown-ups, and I think we're all aware of the importance of what we're here to do," he said. "We're the only chance for these people to have any measure of justice."

Cambodia has denied interfering with the tribunal but in the past the government—which includes some former Khmer Rouge members—has broken off talks with the

United Nations over the court more than once.

The two sides did not reach agreement until 2003, and the court was then held up further because Prime Minister Hun Sen was reluctant to commit money to finance it.

"Who delays the process? The Cambodian government is the one who proposed the tribunal," Khieu Kanharith said. He called the disputes an "issue of procedure."

He also denied that the government was intentionally slowing the process, in the hope that the ageing Khmer Rouge leaders now in their 70s and 80s would die before facing trial.

Concrete steps toward making the tribunal operational were taken in November and January, but the Cambodian and international judges need to iron out their differences at a crucial committee meeting in March, *Lemonde* said.

The entire tribunal would then adopt the rules at a plenary assembly in April.

"If we have another failure at the plenary assembly this time, it would probably be the death of the tribunal," *Lemonde* said.

He refused to rule out the possibility that the 14 international judges would collectively resign from the tribunal if they fail to reach agreement on the rules with their Cambodian counterparts.

"We are taking a positive approach, but if the question ever comes up, I hope that the prevailing opinion would be to avoid at all cost individual resignations," he said. "That would be the worst solution."