

Commentary

Another UN failure
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More than 30 years ago, the Vietnamese army invaded Cambodia, ending a four-year long genocide that killed up to two million Cambodians. This past July, the first judgment was passed down against a perpetrator of the genocide, the chief jailer of the main torture prison responsible for more than 15,000 deaths. Many Cambodians were disappointed with the 19-year sentence set down by the Khmer Rouge Tribunal, a function of the Extraordinary Chambers in the Courts of Cambodia (ECCC). The Cambodian government wanted that trial to be the only one held by the Tribunal and has done everything in its power to prevent more cases from being heard. Many former cadres in the Khmer Rouge are now occupying high posts in the Cambodian government, and Prime Minister Hun Sen has warned further trials could throw the country back into civil war. The court has nevertheless pushed through with “Case No. 2” against four senior members of the former Khmer Rouge government.

The ECCC is a UN-backed court, comprised of both Western and Cambodian judges. Without experience trying a case of this magnitude, the United Nations insisted upon having Western judges involved in every aspect of the case – from investigations to sentencing. Predictably, the court has fallen apart under the mixed supervision of both local and international judges and administrators. Less predictably, the UN-appointed Western judges have been the ones to have their impartiality and effectiveness questioned by observers and even co-workers. In what many on the ground describe as a mutiny, a team of UN lawyers wrote to Secretary-General Ban Ki-moon to report that the actions of a German judge “[breached] international standards of justice, fairness and due process of law.”

Douglas Gillison writes for *Foreign Policy*: “In the seven months since the letter was written, the United Nations has not offered a substantive answer to these problems. Indeed, as matters continued to worsen, officials at headquarters in New York determined that their hands were tied, leaving matters to deteriorate to the point of scandal.”

The ECCC was established in 2003 after six years of negotiations with the UN about the scope of Western countries’ involvement in the trials. Western powers were convinced the Cambodians were unable to convict Cambodians of crimes against other Cambodians, and thus had to step in. The court was constructed in such a way that there would be safeguards against Cambodian judges’ improper behavior, but none for Western judges’ abuse of power. In *Foreign Policy*, Gillison writes in depth about the shocking details that finally, after months, brought the resignation of the German judge. Since 2009, when the UN appointed an Australian academic and a self-proclaimed Marxist to be a liaison for Cambodian victims of the Marxist Khmer Rouge, the United States has contributed more than \$10 million to the court. Despite reports from New York and Phnom Penh about the court’s dysfunction and wasteful spending, the UN, United States

and other leading Western governments continue to silently watch the court daily crumble into total anarchy, all the while pouring millions of dollars into its operations.