



Cambodia's Khmer Rouge Court 'Dying' (Video)

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BRENDAN TREMBATH: The court set up to try leaders of Cambodia's brutal Khmer Rouge regime has been described as "dying, if not dead already" amid concerns that it will fail to complete any further cases.

The court began work in 2006 but has delivered just one verdict.

Southeast Asia correspondent Zoe Daniel reports.

ZOE DANIEL: The border town of Pailin - a former stronghold of the Khmer Rouge and the gateway to Cambodia.

There are still remnants of the regime here but with the ageing leaders, they're falling apart.

It's 33 years since the brutal, ultra-communist regime was deposed and time may have taken justice with it.

(Ven Dara speaking Cambodian)

"If you asked me if there is justice? No there's no justice. The trial is just a waste of money only bothering those grandfathers, wasting their time. We will never find the real criminals," says Ven Dara, who is the niece of former Khmer Rouge general Ta Mok.

He's known as the butcher due to the massacres he's believed to have orchestrated. He was charged with crimes against humanity but died in 2006 before the UN-backed Khmer Rouge trials got underway.

Since then only one case has been completed.

(Ven Dara speaking Cambodian)

"I said to him, I will look for the leaders, and he said, don't look, I was the leader, I know everything." His niece tells me. "That's why it's a pity that he couldn't get to trial. He couldn't tell the truth or clarify the situation at the tribunal. It is such a great pity."

Now Ta Mok's underlings, among them his son in law, former navy commander Meas

Muth, look like they may also escape conviction as the court struggles to keep going.

One of five defendants named by the court for future prosecution, he refuses an interview when we visit, and claims he's unaware that his case may never be heard.

Torture centre boss Kaing Guek Eav, or Comrade Duch, is the only one the court has convicted so far.

The second case against four elderly leaders is in disarray. Former social affairs minister Ieng Thirith has been released with Alzheimer's, and her husband former foreign minister Ieng Sary is in hospital and may not appear again.

There are real concerns that former head of state Khieu Samphan and Khmer Rouge leader, Pol Pot's second in charge, Nuon Chea will be the last convicted for the deaths of millions.

Andrew Ianuzzi is a defence lawyer for Nuon Chea.

ANDREW IANUZZI: Yeah, I think that's exactly what's going to happen. I think when you say if there is no case three and four, I mean that's being optimistic. There will be no case three and four.

I mean you can take that to the bank and that's another reason why people should be worried about funding the court because any money that goes to funding case three and four, it's just going down the drain really.

ZOE DANIEL: Australia is the second largest funder of the court, with a contribution so far of about \$18 million.

Australian Judge Rowan Downing won't comment on the likelihood of future cases, but he says no matter how many people are tried the sense of justice will be elusive.

ROWAN DOWNING: I don't think that ultimately there can be justice in a generalised sense for everyone in this country because everybody has their own individual experience as a result of what occurred.

ZOE DANIEL: He says he's never experienced political pressure, despite widespread allegations that the Cambodian government has deliberately stifled the judicial process.

ROWAN DOWNING: I think, talking for all of the international judges, if we were aware of that being the position we would not be here.

ZOE DANIEL: But if it's not politics that brings the judicial journey to an end, it will be funding.

Back in Pailin, Nuon Chea's wife, Ly Kimseng, is awaiting her husband's conviction - but

not justice.

(Ly Kimseng speaking Cambodian)

"If it was justice it would never have been delayed for so long. We would have done it long ago."

Yet so many years on she claims the Khmer Rouge didn't kill Cambodian people.

She blames Vietnamese invaders, says her husband committed no crimes and that she didn't know anything.

The evidence would suggest otherwise. New mass graves are still being discovered in Cambodia where even if the court disappears the memories won't.

In Pailin Cambodia, this is Zoe Daniel for PM.