



Cambodian war crimes trial monitor warns of “legacy of impunity” November 10, 2010

Phnom Penh - An organization monitoring the UN-backed war crimes tribunal warned Wednesday that Phnom Penh's vow to block the trials of five more ex-Khmer Rouge cadres risks undermining the court's achievements.

The report by the Open Society Justice Initiative (OSJI), which is funded by US billionaire George Soros, said the court alone ought to decide whether to prosecute the tribunal's final two cases.

That came after Prime Minister Hun Sen said last month that he would not allow the trials to go ahead, citing a risk of political instability.

Many observers regarded that as an excuse, rather than a valid reason, for barring the trials.

The OSJI said political interference risks leaving 'a legacy of impunity rather than justice in spite of (the tribunal's) accomplishments.'

'Cambodia's government has made clear its determination to abort any cases it finds politically inconvenient,' said OSJI executive director James A Goldston.

'The United Nations and international donors must ensure that any completion plan for the court guarantees fair trials and appeals in all remaining cases on its docket,' he said.

The tribunal is a hybrid UN-Cambodian structure, with local and international staff in equivalent positions throughout.

The law governing the tribunal requires staff to be independent and not to 'accept or seek any instructions from any government or any other source.'

Its mandate is to prosecute former senior leaders of the Khmer Rouge movement and those it considers 'most responsible' for crimes.

Minister of Information Khieu Kanharith has suggested that the final two cases - known as cases 003

and 004 - could be tried in Cambodian courts.

But the OSJI said that would be unacceptable because 'intense political interference of Cambodian leaders' had undermined the local courts.

Earlier this year, the tribunal sentenced Comrade Duch, the regime's security chief, to 30 years for war crimes and crimes against humanity. Duch's appeal will likely be heard early next year.

The court's second case, against four elderly leaders of the movement, is scheduled to start next year.

The tribunal estimates that up to 2.2 million people died during the Khmer Rouge rule of Cambodia between 1975 and 1979, mainly from execution, starvation, overwork and disease.

The movement's head, Pol Pot, died in 1998.