

Hamill Given Access to Khmer Rouge File

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Rob Hamill a decision granting him civil party status in the Cambodian war crimes trial of Khmer Rouge commanders he holds responsible for the death of his brother Kerry is a huge breakthrough.

That decision should have given him access to the case file, but that access is still being blocked.

Kerry Hamill was tortured and killed in Cambodia in 1978, after being abducted from his boat, which he was sailing with two friends.

He was one of about 1.7 million people who died during the Khmer Rouge regime between 1975 and 1979.

Last year Rob Hamill, a trans-Atlantic rower, was told his appeal to be a civil party to the proceedings in Case 3 of the Khmer Rouge trial had been rejected.

Now UN-nominated Swiss judge Laurent Kasper-Ansermet has decided he can be the first person to be given the status in the third case.

But Hamill's lawyers have not been allowed access to the case file.

A national court official in Cambodia told them the order on the admissibility of the civil party application was not considered valid and any access to the case file was not granted.

That was on the basis that Judge Kasper-Ansermet had yet to be officially appointed as the fully-accredited International Co-Investigating Judge.

Cambodia has refused to recognize Judge Kasper-Ansermet, a move some observers see as an excuse to thwart investigations into the third, and a fourth, case.

Hamill's application to become a civil party, made last April, was against Khmer Rouge commanders Meas Muth and Sou Met, who are believed to be under investigation.

Today Hamill hailed his acceptance as a civil party.

"It's a huge breakthrough that suggests the two suspects have a case to answer."

It also meant other victims of the Khmer Rouge, and in particular of the two suspects, had a case to be accepted by the court as civil party victim's in Case 3, he said.

"However, as seems to be a reoccurring theme in the machinations of the court, there is still dissention within the upper ranks of the judiciary."

Hamill's lawyers Sam Sokong and Lyma Nguyen said Judge Kasper-Ansermet's decision had considered that the "numerous procedural irregularities" in the previous decision on Hamill's application justified reconsideration by his office.

The judge found that Hamill suffered injury as a victim of crime and that the previous decision was totally unjust in that it deprived him of the possibility of participating in the proceedings against people allegedly responsible for the disappearance of his brother, and seeking reparation.