



RIGHTS-CAMBODIA: Will Sihanouk Appear at Khmer Rouge Trials?

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September 10, 2007

BANGKOK (IPS) - Cambodia's colourful former king Norodom Sihanouk has emerged as the central figure in the latest controversy to plague the special tribunal established to prosecute the surviving members of the genocidal Khmer Rouge regime.

And the 85-year-old royal, who has carved a name for himself as a man who relishes the spotlight, has waded into the dispute in his own inimitable way. He chose to reveal his thoughts on the question that has gripped Phnom Penh: whether Sihanouk should or should not be called to appear before the United Nations-backed war crimes trial.

On Aug. 30 he took his first thrust by issuing an unusual invitation to the U.N. officials associated with the tribunal, including the international spokesman for the tribunal, Peter Foster, to visit the palace for a conversation on "the affairs of the Khmer Rouge and Sihanouk." The means of communicating the invitation was typical Sihanouk: it was posted on the personal web site that he maintains. The rendezvous in the royal court was set for Sep. 8 and expected to last for three hours, from 9 a.m. till 12 noon.

Sihanouk -- who stepped down as the monarch in October 2004 in favour of his son, Norodom Sihamoni -- took the liberty on that web posting to reveal how he views the Extraordinary Chambers in the Court of Cambodia (ECCC), as the tribunal is officially called. "After this (meeting) it will no longer be necessary for me to present myself before the U.N.'s ECCC," Sihanouk stated in his invitation. And if the U.N. officials failed to show up, he noted that he "will not accept to see, speak or correspond with the U.N.'s ECCC."

As was expected, the U.N. officials did not participate in this royal conversation on the tribunal. "I was not authorised to participate in this meeting, nor were other U.N. officials," Foster said during an interview from Phnom Penh. "We responded by saying that only the judges involved in the trial will be able to determine who will be a witness. The judges will do so based on procedural rules."

But like a character from a Shakespearian drama, Sihanouk continued to protest too much. In standing up for his cause, the former monarch "complained that the ECCC wanted him to 'take an oath to tell the truth, nothing but the truth on the subject of arch criminals'," reported the 'Phnom Penh Post' English-language newspaper last Friday. "I do not have to swear an oath after (the one I swore) with Buddha, to debase myself to take an oath in front of the ECCC."

Those familiar with Sihanouk's penchant for grand gestures and a life peppered with drama are hardly surprised by this latest offering. Following his being crowned the monarch of his South-east Asian nation in 1941, at the tender age of 18 years, he has abdicated twice, served as king twice, held the post of prime minister twice and served as president once. His record in the world of the arts and entertainment has been as varied, dabbling as a film-maker, song writer, painter, saxophonist and a crooner of ballads.

What is equally well-known is the link Sihanouk maintained with the Khmer Rouge, responsible for an orgy of death during 1975 to 1979 when it took control of Cambodia after a prolonged battle with a pro-American puppet regime in Phnom Penh. The extreme Maoist group killed close to 1.7 million Cambodians, nearly a quarter of the country's population at the time. The victims were executed, died from forced labour or starvation as the Khmer Rouge tried to turn the country into an agrarian utopia.

Sihanouk himself lost family members to the Khmer Rouge and was kept under house arrest by the genocidal regime between 1976 till 1979. Yet against those details are the roles he played in the four years up to the Khmer Rouge triumph in 1975 -- urging the Cambodian people to join the Khmer Rouge, in addition to serving as the head of state for the Khmer Rouge in the first year it held power. And when the Khmer Rouge was driven out of power by the invading Vietnamese troops, Sihanouk fled to the forests with the extreme Maoists and took on a new role as the global defender of the Khmer Rouge regime in exile.

It is this phase of Sihanouk's life that has been brought into focus and raised the possibility of him going before the ECCC. The latter officially began work in July this year after long delays and hurdles placed in its way, including regular challenges posed by the Cambodian government of Prime Minister Hun Sen.

The push to get Sihanouk appear before the ECCC was triggered by a relatively unknown non-governmental organisation (NGO) based in the United States, the Cambodian Action Committee for Justice and Equity (CACJE). In late August, it made a request to authorities in Phnom Penh to strip Sihanouk of his immunity as a former monarch in order to be called before the tribunal.

The Hun Sen administration rose to Sihanouk's defence by delivering a harsh rebuke. The premier called the request to strip Sihanouk "very barbaric" and one that "could have the result of jeopardising the peace and unity" of the country.

But human rights groups questioned the motives of the government, arguing that war-ravaged Cambodia's quest to create a society governed by the rules of law and justice will be undermined if the former monarch is placed above the law and insulated from the ECCC. "This could set a bad precedence, since the ECCC is expected to set new and high standards of justice for Cambodia," says Lao Mong Hay, senior researcher on Cambodia at the Asian Human Rights Commission (AHRC), a regional rights lobby.

“The request does not mean he has to face trial as a defendant or as an accused, but it is to remove an unconstitutional clause in the constitution and make the former king available if the judges need him to appear,” Lao explained during an interview from Hong Kong, where AHRC is based. “This is very important for the trial, since many Cambodians who lost family want to know about the past; how and why the Khmer Rouge pursued their murderous policies.”

“It is a chance for the former king to clear his name if he did nothing wrong,” adds Lao. “And he has been on the record in the past saying that he would be willing to face the trial like the former Khmer Rouge leaders.”