



## **Cambodian royal shirks Khmer Rouge trials**

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BANGKOK - Cambodia's colorful 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.

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 August 30 he made his first thrust by issuing an unusual invitation to the UN officials associated with the tribunal, including its international spokesman, Peter Foster, to visit the palace for a conversation on "the affairs of the Khmer Rouge and Sihanouk". The method of communicating the invitation was typical Sihanouk: it was posted on the personal website that he maintains. The rendezvous in the royal court was set for September 8 and scheduled to last for three hours.

Sihanouk - who stepped down as monarch in October 2004 in favor of his son, Norodom Sihamoni - took the liberty on the 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 UN's ECCC," Sihanouk stated in his invitation. And if the UN officials failed to show up, he noted, he "will not accept to see, speak or correspond with the UN's ECCC".

As was expected, the UN officials did not participate in this royal conversation on the tribunal.

"I was not authorized to participate in this meeting, nor were other UN 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 Shakespearean drama, Sihanouk continued to protest. In standing up for his cause, the former monarch "complained that the ECCC wanted him to 'take an oath to tell the truth [and] nothing but the truth on the subject of arch-criminals'", the English-language Phnom Penh Post newspaper reported 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. After being crowned monarch in 1941 at the tender age of 18 years, he 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 filmmaker, songwriter, painter, saxophonist and crooner of ballads.

What is equally well known is the link Sihanouk maintained with the Khmer Rouge, which was responsible for an orgy of death from 1975, when it took control of Cambodia after a prolonged battle with a pro-American puppet regime in Phnom Penh, to 1979. 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 or died from forced labor 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 and 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 group, in addition to serving as the head of state for the regime in the first year it held power. And when the Khmer Rouge was driven from power by invading Vietnamese troops, Sihanouk fled to the forests with the ousted rulers and took on a new role as the global defender of the 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, which officially began work this July after long delays and hurdles placed in its way, including regular challenges posed by Prime Minister Hun Sen.

The push to get Sihanouk to appear before the ECCC was triggered by a relatively unknown non-governmental organization based in the United States, the Cambodian Action Committee for Justice and Equity. Late last month, it made a request to authorities in Phnom Penh to strip Sihanouk of his immunity as a former monarch so he could be called before the tribunal.

The Hun Sen administration rose to Sihanouk's defense by delivering a harsh rebuke. The prime minister called the request to strip Sihanouk "very barbaric" and one that "could have the result of jeopardizing the peace and unity" of the country. But rights groups questioned the government's motives, 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 precedent, since the ECCC is expected to set new and high standards of justice for Cambodia," said Lao Mong Hay, senior researcher on Cambodia at the Asian Human Rights Commission, 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.

"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," Lao Mong Hay said. "It is a chance for the former king to clear his name if he did nothing wrong. 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."