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KRT suspect hearing cancelled

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A decision by judges to scrap a hearing on further prosecutions at the war crimes court has raised concerns that a resolution to the row has again been delayed.

A decision on the politically charged issue of whether Cambodia's Khmer Rouge tribunal will investigate more suspects could be delayed by judges, prompting calls by civil society groups to consider substitutes such as a truth commission in place of the war crimes court.

Judges cancelled a hearing to announce whether further prosecutions could move forward, set for Friday, said international co-prosecutor Robert Petit, who added that he believed the judges had decided to publish their decision "on paper" rather than orally. He said he did not know when a ruling would be made.

"But in the case of Cambodia [a truth and reconciliation commission] certainly cannot be a substitute for the current cases, nor for the [additional] ones I seek to prosecute," warned Petit, saying that calls for additional mechanisms of justice should be used as a complement to, not substitute for, legal justice.

The judges' decision would resolve the months-old legal wrangle between Petit and his Cambodian counterpart, Chea Leang, who has sought to block further prosecutions, citing concerns for national stability.

Five former Khmer Rouge leaders are already in the tribunal's custody. Petit has proposed a second list of suspects that is believed to contain six lower-ranking cadres.

Legal monitors say the judges' decision would be a litmus test for the hybrid court, saying the tribunal, already battered by long-standing allegations of corruption, must demonstrate its independence and allow the second submission to move ahead.

Pre-trial Chamber President Prak Kimsan could not be reached for comment on Tuesday. The court's legal communications officer, Lars Olsen, said the chamber was "still seized" by the issue. But he could not specify when a decision would be made.

Political claims

If the judges do make their decision this week, it will come against a backdrop of escalating public statements from government officials who warn more submissions could plunge Cambodia into chaos.

Speaking at a summit between South Korea and ASEAN on Monday, Foreign Minister Hor Namhong told the Associated Press that "we have to seek justice for our people" while considering the "peace and stability in the country".

Government comments on the issue have observers concerned about political pressure being put on judges.

"We need to know that the decision is a legal one, not a political one," said Long Panhavuth, a court monitor for the Cambodia Justice Initiative.

His group, attached to the Open Society Justice Initiative, condemned government officials in May for wielding too much influence in the court.

Officials have staunchly denied having any involvement in judicial decisions.

"I hope the decision promotes justice," is all Petit would say on the issue.

Truth commission

Despite the absence of a decision, rights groups say they are already floating alternative ways to bring "complete" justice to victims.

The idea of a truth and reconciliation commission, similar to ones employed in South Africa and Sierra Leone, has been suggested, and Long Panhavuth affirmed that other mechanisms needed to be explored.

"The role of the court is not enough," he said, adding, however, that there would be legitimate challenges to building an effective commission.

"For a truth and reconciliation commission, you need money. You need political will. Otherwise, you will only get one corner of the story," he said.

Petit said Tuesday that a truth and reconciliation commission could complement the work of the court, so long as it wasn't treated as a substitute for legal justice.

"Impunity, generally, is too much of a problem not to be addressed to the full extent possible by this court. ... However, I do think that a [truth commission] or similar mechanism could be the logical continuation of our work," he added.

Youk Chhang, director of the Documentation Center of Cambodia (DC-CAM), said a commission "was great idea", but one that shouldn't excuse a poorly working court.

"The ECCC is not a history department, library or NGO forum. It is a court, and a court is an important element of any human society and we need to give it complete independence to perform."