

## **Legal Rows and Cash Crises Stall Justice in Cambodia**

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ONE of the worst mass murderers of the 20th century will learn his fate today at a controversial war crimes tribunal where the United Nations and Cambodian government are locked in an acrimonious dispute and hundreds of staff have not been paid for months.

An appeal against a 19-year jail sentence by Khmer Rouge executioner and torturer Kaing Guek Eav, better known as Duch, will be ruled on in the tribunal where UN-appointed Swiss judge Laurent Kasper-Ansermet has been prevented from assuming his official duties, accused of tweeting about genocide cases the government in Phnom Penh does not want to proceed.

Despite tribunal costs blowing out to more than \$150 million, many of its 300 Cambodian staff have not been paid since October and no money will be available for them until at least the end of February, officials say.

Tribunal spokesman Neth Pheaktra said the lack of funds from the Cambodian court system, which relies on international donors, "affects morale at the court".

The UN is continuing to pay 180 international staff.

The standoff over the appointment of Mr Kasper-Ansermet has prompted speculation the UN could withdraw from the proceedings before the completion of the trials of three ageing Khmer Rouge leaders - the only accused other than Duch facing conviction at the tribunal that began investigations in 2006. The UN is insisting Mr Kasper-Ansermet pushes on with prosecutions that include the Khmer Rouge's naval commander Meas Muth and air force chief Sou Met, who are accused of responsibility for the deaths of tens of thousands of people during the Khmer Rouge's reign from 1975 to 1979.

David Scheffer, an American appointed by the UN to advise the tribunal, said Mr Kasper-Ansermet "has clear authority to fulfil his duties and we look forward to him doing so".

A UN spokesman in New York said Cambodia was in breach of an accord to set up the tribunal, adding: "This is a matter of serious concern." But Cambodia's Supreme Council of Magistracy, which administers its courts, said in a report that Mr Kasper-Ansermet had "compromised the integrity of investigations".

Without the council's approval, Mr Kasper-Ansermet is unable to officially sit in the court, although he goes to the tribunal every day. He told journalists last month his time at the tribunal had been "like walking in shackles".

Cambodian Prime Minister Hun Sen, a former Khmer Rouge cadre, has demanded the tribunal undertake no new prosecutions, warning of civil war if more indictments are issued.

Khieu Kanharith, Cambodia's Information Minister, said on Tuesday that if the UN withdrew from the tribunal, the government would appoint its own judges to hear the remaining cases involving Nuon Chea (pictured), the Khmer Rouge's chief ideologue; Khieu Samphan, the former head of state; and Ieng Sary, former foreign minister.

Meas Muth, who is now believed to be an adviser to the Cambodian government, sent Australian yachtsmen Ronald Keith Dean and David Lloyd Scott to Tuol Sleng jail in Phnom Penh in 1978, where they were among at least 15,000 people tortured and killed.

The Australian government has provided \$14.2 million for the tribunal so far, the second biggest donor behind Japan, but has made no complaint about the likelihood of Meas Muth escaping justice.

The 19-year sentence Duch, 68, received in July 2010 angered many victims of the Khmer's Rouge's rule, during which an estimated 1.7 million people were executed or died from starvation or disease as the communist regime tried to create an agrarian utopia.

But Duch, former head of Tuol Sleng, claimed during an appeal hearing last year he would not have survived the brutal regime unless he "respectfully and strictly followed orders".

Prosecutors have argued the jail term should be increased because of the shocking crimes and the fact he has shown no remorse. Trial observers say it is unlikely Duch will go free.