

Embattled Tribunal Tightens Belt

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Hearings at the Khmer Rouge tribunal will be scaled back to just three days a week due to a severe budget shortfall on the UN side, court officials announced yesterday.

The Trial Chamber – which ordinarily sits four days a week to hear testimony in the case against the regime’s top living leaders – has been unable to replace outgoing international staff since a hiring freeze was imposed in July. That, in turn, has led to a backlog of work that takes place during the off days, the court said.

“The shortfall reduces the staff to approximately half of what was foreseen in the staffing table,” Trial Chamber president Judge Nil Nonn said during yesterday’s hearing, adding that the new schedule will go into effect on November 5. “While there is insufficient staff in the Trial Chamber, it cannot continue to sit for four days a week.”

Tribunal spokesman Lars Olsen said the abbreviated hearing schedule would remain in place until funding is secured by the UN.

Currently, the international side of the court faces a \$4 million shortfall for the year and has secured almost no funding for 2013, according to Olsen.

“The reason why you have this is because staff that have left have not been replaced due to the financial situation... Only when the UN has received sufficient pledges to cover its financial responsibilities will the recruitment freeze be lifted.”

Financed by voluntary contributions rather than by a set UN budget, the tribunal has found itself routinely beset by financial woes, and both the Cambodian and UN sides have struggled to secure funds from increasingly weary donors.

In a report submitted to the UN General Assembly last month, Secretary-General Ban Ki-moon highlighted an “acute funding shortfall that could jeopardise the future operations of the Chambers” and warned that there could be insufficient funds to pay October salaries.

Olsen said yesterday that salaries had continued to be paid but that he could not “speculate now how the financial situation will affect the operation of the court”.

What is clear, however, is that the rollback will severely slow proceedings in the landmark Case 002. In a statement released yesterday, the chamber notes that cutting

back a day will “lead to delays in reaching decisions and will impact the course of the proceedings”.

“[R]egrettably, this will inevitably lead to an extension of the time needed to conclude case 002/01,” it continues.

The announcement comes following months of trial delays.

Though the chamber ostensibly sits four days a week, it has done so just 20 out of the 49 weeks since the trial began in November 2011. Last month, plagued by the health problems of Ieng Sary and the decisions needed for Ieng Thirith’s release, it sat just six days total.

“This is going to prolong the trial process substantially,” said Anne Heindel, a legal adviser at the Documentation Center of Cambodia. The decision, she continued, made it unlikely proceedings would progress beyond the first segment of Case 002 – a narrowly focused “mini-trial” that critics have called insufficient representation of the crimes committed during Democratic Kampuchea.

“This is the centrepiece case, the one everyone says matters the most. And now you’re looking at a very narrow subject matter, less accused [on trial], and the threat they don’t have enough resources...

"A trial this important should not come undone because of lack of funding. It’s an embarrassment in this case, to the UN and to the donors.”