

## **Khmer Rouge Victims' Rights Still an Issue**

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Results are mixed when it comes to the rights of victims of the Khmer Rouge who are taking part in the trial against the regime's most senior surviving leaders, a report says.

According to the International Federation for Human Rights, which this week released a detailed, 61-page document analysing the rights of the trial's civil parties, the Khmer Rouge tribunal still faces challenges when it comes to, among other areas, victims' participation in proceedings and the right to reparations.

Much has changed since the Extraordinary Chambers in the Courts of Cambodia began its trial against four of the Khmer Rouge's most senior leaders a little over a year ago.

Former social affairs minister Ieng Thirith has been released on mental-health grounds, leaving her husband, ex-foreign affairs minister Ieng Sary, head of state Khieu Samphan and Brother No. 2 Nuon Chea.

The victims are still there, and attorneys argue their participation in the trial — or lack thereof — is a matter of concern. Most of the criticism stems from last year's decision — prompted by the defendants' advanced age — to split Case 002 into mini-trials that can be completed within the co-accused's lifetimes.

“Nearly 4,000 victims of the KR regime are civil parties in Case 002 proceedings,” the report's France-based author, pro bono civil-party lawyer Marie Guiraud, said.

“However, only some of them — approximately 700 — are directly concerned by the trial that is taking place, concerning in particular the forced population transfers.

“If the other trials, concerning other facts, are not taking place, contrary to what was planned, what will happen to the rights of the remaining civil parties to reparation?”

Clair Duffy, a tribunal monitor for the Open Society Justice Initiative, said much of the report was in line with what she had heard from civil party lawyers.

“There is a lot of uncertainty and lack of clarity around the participation of civil parties. Exactly what are their rights, what is the scope of reparations that can be ordered in Case 002, for example, and for whom?” Duffy said.

To that end, FIDH, along with the local rights groups Adhoc and Licadho, has proposed

10 recommendations.

They include legal aid for victims; establishment of a trust fund for victims; guaranteed, organised participation at trial; and the right to request the sentencing of the accused to reparations, regardless of whether they are considered indigent, as was the case with the convicted defendant in Case 001, Kaing Guek Eav, alias Duch.

The level of participation is a theme of the report, which cites confusing scheduling that made international lawyers fly in at the wrong time because testimonies had been shuffled, and a decision to limit victims' opening statements.

A spokeswoman for the tribunal said it did not comment on ongoing cases.