

Prosecutor quits Killing Fields war crimes trial

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International lawyer says Cambodian tribunal is vulnerable to corruption

An international prosecutor who has quit the Cambodian genocide trial has delivered a parting broadside, saying that the tribunal needs to guard against corruption, political meddling and a debilitating lack of funds.

Robert Petit, a Canadian lawyer whose decision to quit has shocked some members of the tribunal and raised questions about how effectively the process will continue, said that allegations of corruption levelled at the court have still not been properly answered. He said the court also lacked sufficient resources and staff to do the job it had been set.

"The court is still under-funded and under-resourced for the tasks that it is supposed to accomplish," said Mr Petit. "Obviously, allegations such as corruption and maladministration must be addressed and put to rest finally."

The court in Phnom Penh, the Cambodian capital, which took more than a decade to establish, has for several months been hearing evidence against Kaing Guek Eav, better known as Duch, the former head of Tuol Sleng jail, a notorious interrogation and torture centre where more than 14,000 people were sent on their way to The Killing Fields. Barely a dozen of them survived.

Four other senior members of the Khmer Rouge regime have also been charged and are waiting to go on trial. Between 1975 and 1979, the regime was responsible for the deaths of as many as 1.7 million people.

Mr Petit, who has previously served on international genocide tribunals in Rwanda and Sierra Leone, had long made clear his disagreement with some aspects of the tribunal's operation. Late last year he filed an official statement saying that he disagreed with his Cambodian co-prosecutor about extending the number of people to be charged. Just five former senior Khmer Rouge members have been charged, but Mr Petit believed there was a case to be made against a further half-dozen former members of the regime.

His co-prosecutor, Chea Leang, argued that putting more former regime members on trial would destabilise the country. But there have been widespread rumours that she had been influenced by the Cambodian government, headed by the Prime Minister Hun Sen, who has long been opposed to the joint UN-Cambodian tribunal broadening its investigation.

The Prime Minister is said to be concerned about drawing attention to former members of the Maoist-influenced regime who are now senior establishment figures. Mr Petit said yesterday that attempts to interfere with the running of the court were "very disturbing".

Yet the veteran prosecutor insisted that his resignation was for personal reasons rather than because of a disagreement over the way the court performs its duties. He said his decision to leave was the hardest of his professional career and one that had been taken in consultation with the UN over several months. Stressing that the decision had nothing to do with events in Cambodia but, "everything to do with events that have happened in Canada", he added: "They are entirely related to personal family matters, totally unrelated to my professional responsibilities at the court and, therefore, a fully private matter."

Mr Petit claimed that his departure from the prosecutor's bench would not unduly affect the process. He said the gathering of evidence, the legal analysis and the tactical decisions had all been a collective process taken by his office.

"When it became clear that [I] would have to leave, my deputy started preparing himself and is now leading the case and will do so until further notice," he added. Yet Mr Petit's decision to step down has triggered concerns among some observers. Heather Ryan, court monitor for the Open Society Justice Initiative, said that news of his departure was unwelcome. "It is disturbing to hear that the international co-prosecutor is leaving in the midst of the initial trial, at a time when it is critical for the office to establish its leadership role in the trial and the court," she said in a statement. "The sudden departure could delay resolution of pressing matters before the court."

The other alleged war criminals awaiting trial are Pol Pot's former second-in-command Nuon Chea, the former foreign minister Ieng Sary, the former social affairs minister Ieng Thirit and the former head of state Khieu Samphan.