

# The Phnom Penh Post

## **Tribunal staffers meet ex-KR James O'Toole & May Tithara October 4, 2010**

When Reach Sambath, a spokesman for Cambodia's war crimes tribunal, travels to this former Khmer Rouge stronghold along the border with Thailand, he refers to the court by its official name: the Extraordinary Chambers in the Courts of Cambodia, or the ECCC.

"It's just the polite way," Reach Sambath said. "I don't want to use the words 'Khmer Rouge tribunal.'"

In Pailin, where Reach Sambath and other tribunal staffers travelled for an outreach event late last month, many have reason to be sensitive about this term. Loyalty to the regime and suspicion about the court are pervasive, as evidenced by remarks at the forum from Pailin deputy governor Mey Meakk.

"The hands of the people involved in Case 002 are not soiled with blood," said Mey Meakk, himself a former secretary for regime leader Pol Pot. "These four people – it seems to me that they are the victims also, like me, like everyone else."

The four that Mey Meakk was speaking of – former Khmer Rouge foreign minister Ieng Sary, social action minister Ieng Thirith, head of state Khieu Samphan and Brother No 2 Nuon Chea – were indicted last month in the ECCC's second case on a variety of charges including genocide and crimes against humanity. In the aftermath of these indictments, staff from the tribunal including international Co-prosecutor Andrew Cayley travelled to Pailin to take questions about the court and explain its plans going forward.

When court officials attend community forums around the country, they are often asked why so few leaders of a regime responsible for the deaths of perhaps 2.2 million Cambodians are being held to account. Residents of Pailin, however, have a different set of concerns.

“Continued, prolonged investigations of other people may not meet the goal of national reconciliation,” Mey Meakk said. “If the judicial investigations continue, there could be revenge.”

After serving for years as a base for the Khmer Rouge insurgency, Pailin became a fiefdom for former regime leaders upon their defection to the government in the late 1990s. Provincial governor Y Chhean previously served as head of Pol Pot’s bodyguard unit, and deputy governor Ieng Vuth is the son of Ieng Sary and Ieng Thirith.

Neither of these men was at the forum in Pailin, though dozens of former Khmer Rouge troops did attend.

After presentations from court officials, questions from the audience ranged from why foreign governments that contributed to the destruction of the Kingdom were not being tried to how many individuals would be tried in further cases.

This latter question in particular has been the subject of debate at the court. Earlier this year, Co-investigating Judges Marcel Lemonde and You Bunleng disclosed that they had disagreed on the timing of investigations in the court’s third and fourth cases, in which five as-yet-unnamed suspects could be prosecuted; Lemonde elected to begin the investigations in June, whereas You Bunleng said he preferred to wait until after indictments had been handed down in Case 002.

At a press conference last month announcing the Case 002 indictments, You Bunleng said he was still undecided about the third and fourth cases.

Cambodian court officials including co-prosecutor Chea Leang have expressed their opposition to these cases, citing concerns, also voiced by Prime Minister Hun Sen, that they could lead to unwanted conflict. In Pailin, court officials assured their audience that regardless of what happens with the five suspects in cases 003 and 004, the mandate of the court will extend no further.

“After the court sentences these 10 people, will they continue to charge an 11th, 12th, or 13th person?” asked Chear Bunna, Pailin’s deputy military police chief, referring to the five suspects detained in Cases 001 and 002 as well as the five under investigation in the third and fourth cases.

Cayley affirmed that prosecutions would end after Case 004, saying rank-and-file members of the Khmer Rouge had nothing to worry about.

“The court tries human beings – it does not try organisations,” Cayley said. “The Khmer Rouge as an organisation is not on trial.”

59-year-old Meas Chea, a former Khmer Rouge soldier, said Cayley’s words came as a relief.

“I was so worried when I heard about the ECCC because I was afraid that I would be arrested,” Meas Chea said. “When I was a Khmer Rouge soldier, I didn’t know I was fighting Khmer people – my purpose was fighting Vietnam.”

58-year-old Tuon Samot, another former KR recruit, said it was an “injustice” that the five suspects in the tribunal’s first two cases were being detained when their foreign patrons – first in Vietnam and then in China – had escaped prosecution. But Nem Doeun, 59, said he was satisfied with the court’s limited mandate.

“I used to be afraid of the Khmer Rouge tribunal because I thought they would arrest all Khmer Rouge people,” he said. “If the court were to charge all Khmer Rouge people, I think everyone in Pailin would be on trial.”