

UN Expert To Khmer Rouge Court Sees Promise Over Problems
Say Mony
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In spite of the recent hurdles faced by the ECCC – ranging from the resignation of international prosecutors and judges and a lack of salary for its staffers – the recent appointment of a prominent academic expert on world war crime as a special expert to the tribunal by United Nations Secretary-General Ban Ki-moon promises the continued success of the court’s efforts.

David Scheffer, professor at the Northwestern University School of Law and former U.S. Ambassador-at-Large for War Crimes Issues, expressed strong determination in his mission to the ECCC in trying the surviving leaders of the Khmer Rouge regime.

Through ECCC’s international prosecutors and judges have resigned one after another, Scheffer expressed optimism to VOA Khmer in June.

“I think in the case of these two investigative judges, clearly there were problems. We have to work those problems. We have to solve them. It is a long process, but it’s not a basis for literally ending the court. It is a basis for working the problem and overcoming those objections. You can overcome the problem in part by putting a new person in the office – one who perhaps can deal with the situation more effectively than his predecessors and with a sense of greater cooperation with the government,” Scheffer told VOA Khmer’s Say Mony in Phnom Penh.

He added that the issue of judge resignation is not a problem exclusive to the ECCC. War crime tribunals, he said, always face obstacles. The tribunals of the crises in Rwanda, Yugoslavia, and Sierra Leone experienced issues similar to those of the Cambodian court, as have other cases tried in the International Criminal Court.

He also contradicted speculation that ECCC was going to meet its failure.

“I think at the end of the day, you want to look at the work product of this court. There is a conviction of Duch. There is a trial underway now of three of the top individuals who were colleagues of Pol Pot during 1970s. It is happening. [We will] see how it unfolds. And then you can [see] years from now whether it is a success or failure,” Scheffer told VOA Khmer.

While in Phnom Penh, Scheffer worked to publicize his book “All the Missing Souls: A Personal History of the War Crimes Tribunals,” published earlier this year by the Princeton University Press. The book chronicles five of the world’s most significant war crimes, overlaid by Scheffer’s personal accounts of his work in war crime trials.

“It is about the diplomacy and the history and the human stories and the laws behind the actual creation of these five war crime tribunals,” Scheffer said of his book.

Maxwell Hyman, an American student interning with the ECCC, is optimistic for Scheffer’s appointment. Hyman, whose grandparent was a survivor of the Holocaust in Nazi Germany, expressed support for both sides of the Khmer Rouge tribunal, and trusts Scheffer to bridge the gap.

“With any types of human venture, they are bound to be some types of faults. And it is important that we take a professional experience so that we can learn together how to correct those issues. I think it is important to learn from his struggles in negotiation with government in various types of interests to make sure that we can work to a common goals which is peace and accountability,” Hyman said.

At present, the Khmer Rouge tribunal is in the midst of Case 002, trying “Brother No. 2” Nuon Chea, president of Democratic Kampuchea’s National Assembly; Khieu Sampan, head of state of the Khmer Rouge; Ieng Sary, former minister of Khmer Rouge, and his wife Ieng Thirith, minister of social affairs of the regime.

They are elderly – all four are older than eighty. Victims of their regimes worry they will die before justice is rendered. But Scheffer says their ages shouldn’t be hurdles for the tribunal.

“There are old defendants on trial all over the world. Sometimes they died before judgment was rendered. That’s not a unique problem to Cambodia whatsoever. Milosevic died in the Balkan before Yugoslav tribunal before he could be judged. He came through the whole trial. And he died before judgment. It happened. But really, that isn’t a reason

for not holding these trials. These men are still alive and they have a certain level of health they bring to the court room with them. And they are now on trial. Let the trial unfold,” Scheffer said.