

Conflict in Cambodia court as Pol Pot henchmen face trial

Prak Chan Thul

June 21, 2011

PHNOM PENH (Reuters) - A United Nations-backed court trying the masterminds of Cambodia's bloody Khmer Rouge "Killing Fields" revolution is embroiled in a conflict of its own as it prepares to hear its most complex and high-profile case next week.

The multi-million dollar court is mired in infighting and deep suspicion over the apparent reluctance of top judges to indict more suspects beyond the five former Khmer Rouge cadres already brought to trial by the Extraordinary Chambers in the Courts of Cambodia (ECCC).

At least five foreign staff have resigned following the hybrid U.N.-Cambodian tribunal's June 7 decision to reject a third case, known as 003, despite what international co-prosecutors say is strong evidence of atrocities by two suspects.

It comes as the court opens its next case involving "Brother Number Two" Nuon Chea, former President Khieu Samphan, ex-Foreign Minister Ieng Sary and his wife, Ieng Thirith, a former Social Affairs minister, who are accused of war crimes and crimes against humanity, among other charges.

An estimated 1.7 million people died during the Khmer Rouge's 1975-1979 ultra-Maoist revolution that wiped out a quarter of Cambodia's population through execution, disease, starvation or overwork under the leadership of top commander Pol Pot, known as "Brother Number One," who died in 1998.

The court has so far spent \$100 million and delivered just one ruling since it was inaugurated five years ago, handing down a 35-year jail term, reduced to 19 years, to Kaing Guek Eav, better known as Duch, who was found guilty last year of war crimes and crimes against humanity while chief of Phnom Penh's S-21 torture centre, where more than 14,000 people died.

Critics accuse Cambodia's government of political interference and are demanding a U.N. probe into the independence and competence of its judges over their rejection of case 003, believed to involve two former Khmer Rouge military commanders.

"It is abundantly clear that if the court continues to give the appearance of having succumbed to political interference in case 003, the legacy of the ECCC will be severely

undermined," Open Society Justice Initiative, an independent legal advocacy group, said in a report published last week.

A spokesman for U.N. Secretary-General Ban Ki-moon issued a statement on June 14 rejecting what it said was media speculation that the U.N had instructed the court to dismiss case 003.

It said judges, at this stage, "were not under an obligation to provide reasons for their actions."

Cambodia's government has long been accused of stonewalling to prevent the ECCC widening its net and pursuing cases that could implicate members of his government in the atrocities.

Prime Minister Hun Sen, himself a former Khmer Rouge cadre, has made no secret of his disdain for the court and last year told U.N. chief Ban that further indictments were "not allowed."

David Chandler, a historian and author of a book on the Khmer Rouge, said the Cambodian government was unlikely to change its stance and the court's failure to pursue further cases suggested it had "lost, or has abdicated some of its independence."

The reduced sentence Duch received angered many Cambodians, most of whom lost relatives during Pol Pot's pursuit of a peasant utopia. There are an estimated 5 million survivors of the regime.

Many believe justice and closure over one of the darkest chapters of the 20th Century will remain elusive and fear the four defendants, who are elderly and in poor health, will die before a verdict is delivered and others cadres accused of atrocities will never see a courtroom.

"There should be more trials because these people have done so many bad deeds, said Chan Dara, a 40-year-old motorcycle taxi driver in Phnom Penh.

"My father was killed by the Pol Pot regime, if the government says that they want to end this, it probably means they want to forgive these people."

Construction worker Sum Ny, 45, who lost a sister and brother to the Khmer Rouge, said: "I'm happy with what the court has already done but I want the remaining people on trial."

(Writing and additional reporting by Martin Petty in Bangkok; Editing by Alex Richardson)