



## **Leaked documents suggest UN backing off Khmer Rouge trials**

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Scoop Media, New Zealand: Documents leaked to Scoop suggest the United Nations-led tribunal may be backing off fully investigating crimes committed by the Khmer Rouge during the period from 1975 through to January 1979.

The documents show attempts by the Co-Investigating Judges, You Bunleng and Siegfried Blunk, to exclude testimonial information of New Zealand national Rob Hamill from being considered as evidence in Tribunal investigations.

[Scoop Editor's Note: The documents (*see links to pdf files below*) were not leaked by Rob Hamill, nor Keith Locke. The source will remain confidential.]

On Thursday June 23 2011, Scoop understands the documents were given to the New Zealand Parliament's foreign affairs select committee by New Zealand Green Party MP, Keith Locke. It is unclear whether the Foreign Affairs select committee will accept the documents or allow public access to the documents.

Scoop has decided to publish the documents on the basis that they are highly important from a justice point of view, also due to the fact that the decisions made by the two Co-Investigating Judges relate to the murder of a New Zealand national, Kerry Hamill, by members of the Khmer Rouge regime.

The Judges' decisions (*contained in the documents*) communicate a ruling on how relevant, from an evidential viewpoint, are victim impact testimonies. In particular the Judges have rejected an application by Rob Hamill to give testimony to Case 03 and 04 on the basis that the crimes committed by the Khmer Rouge against his brother did not "directly" affect Rob Hamill.

Clearly, these issues are matters of high public and national interest.

**Document 1 (pdf)** details the application of New Zealand national Rob Hamill requesting to be party to the proceedings in Case 003 and Case 004 "for the injury he suffered as the alleged direct consequence of crimes... further to the death of his brother Kerry Hamill.

The Co-Investigating Judges ruled out Rob Hamill's application due to their definition of the word 'directly', stating that they "cannot follow the reasoning... that the applicant has shown that his 'harm was a direct consequence of the crimes...'"

The Judges also state in the documents that they were “aware that they admitted the Applicant as a Civil Party in Case 002...” but that their earlier decision regarding Case 002 was “not binding”.

Scoop understands that there are moves for Case 003 and 004 to be concluded or abandoned, perhaps without full and relevant evidence being admissible nor examined. As this aspect of the Tribunal's considerations involves a New Zealand national, Scoop believes it is vital that Rob Hamill's application to have his testimony considered be accepted and be relevant to proceedings.

**Document 2 (pdf) and Document 3 (pdf)** detail the reasons for the Co-Investigating Judges' decision.

Other documents (Cambodia Second-Introductory Submission.redacted.pdf and Cambodia-Third Introductory Submission.redacted.pdf) published here are important as they provide a summary of crimes committed by the Khmer Rouge during its reign of terror in Democratic Kampuchea (later renamed Cambodia) between 1975 and 1979. Millions died as a result of the Khmer Rouge's extreme policies which have been deemed crimes against humanity.

**The Introductory Submissions** summarise the Khmer Rouge era as:

From 17 April 1975 until 6 January 1979, the Communist Party of Kampuchea (CPK), commonly referred to as the Khmer Rouge, sought to fundamentally alter Cambodian society along ideological lines through forcible economic and social change. As set forth in the Co-Prosecutor's First Introductory Submission dated 18 July 2007 (paragraphs 5 through 10), a common criminal plan existed amongst CPK leaders to establish a classless, atheistic and ethnically homogenous society, abolishing all ethnic, national, religious, class and cultural differences.

The CPK's criminal policies called for the evacuation of cities, and the virtual enslavement of the entire population of Democratic Kampuchea (DK) in ruthlessly run and inhumane agricultural co-operatives, factories and worksites. Anything or anyone that the CPK perceived as a threat or an obstacle to its policies and ideology would be killed or destroyed, including all religions, ethnic differences, the “feudalist,” “capitalist,” and “bourgeoisie” classes and all perceived “enemies” or “traitors” in the population or amongst the CPK cadre.