



Long haul for Cambodia's genocide court

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Cambodia's UN-backed genocide court has taken four years to conclude its first case

Marooned in the dusty outskirts of Phnom Penh, the Extraordinary Chambers in the Courts of Cambodia are hardly in the most auspicious of locations.

White-elephant housing projects stand half-built along the road out of the city. And for much of the time since it started work in 2006, it seemed the Khmer Rouge Tribunal would remain unfinished as well.

But the court's combination of local and international legal officials have now steered one case to its conclusion.

The former prison chief known as Comrade Duch may not rank among the senior leadership of the Khmer Rouge, but he was in charge of Cambodia's most notorious detention centre during the four years Pol Pot and his comrades controlled the country.

Duch - by his own admission - supervised the systematic torture and execution of thousands of prisoners at the S-21 prison in Phnom Penh.

His prosecution for crimes against humanity, torture and pre-meditated murder has come more than three decades after the crimes were committed, but the tribunal's Cambodian co-prosecutor, Chea Leang, believes it holds great significance.

"I feel proud that we have been able to complete this case," she says. "This is a good day for the victims and the Cambodian people as well as the international community."

'Hybrid' court

Chea Leang also sings the praises of the international standards of justice brought to the tribunal by UN-appointed legal officials, and hopes that will feed into Cambodia's much-maligned court system.

But the involvement of international funding and personnel has been at the heart of the problems which have occasionally threatened the whole process.

Donor countries have been reluctant to provide funding after repeated allegations of corruption on the Cambodian side of the tribunal. The government has criticised efforts by international officials to increase the number of prosecutions.

And there have been formal disputes between the international judges, prosecutors and defence lawyers and their local counterparts.

"When the court was established it was envisaged that there would be disagreements," says international co-prosecutor Andrew Caley, pointing out that these are handled by a process set out in the tribunal's internal rules.

He argues that the "hybrid" nature of the process - a local court supported by international officials and cash - was always likely to raise issues.

"We are required to demonstrate how the international system works - and they have to show us how the Cambodian system works. That has been a challenge - but it is the first time it has been done. And for all the problems, it has worked well."

Waiting for answers

The niceties of judicial relations are lost on some of the victims of the Khmer Rouge. They have been waiting more than 30 years for someone to be held to account for what happened to them.

Andrew Caley and Chea Leang are among the tribunal officials who have travelled around Cambodia explaining how the process works. But after so much suffering, it is little wonder that people like Chum Mey - one of only three confirmed, living survivors of S-21 - are unimpressed.

"So far there's no justice for the victims like me," he says outside the gates of S-21, where he scrapes a living as a tour guide.

"I can see they're working very hard - but there's not much justice because the perpetrators keep blaming the dead, saying they're more responsible for what happened."

Indeed, Pol Pot died in 1998 - and several other key figures have eluded justice through death. But the tribunal has charged four surviving senior leaders of the Khmer Rouge with genocide and their trial is likely to start next year.

For genocide researcher Youk Chhang, the director of the Documentation Centre of Cambodia, the conclusion of Comrade Duch's trial is merely the end of the beginning.

"Duch is a small fish, a prison chief," he says. "But his case has helped to bring about the second case - that's what's most important."

"The four senior leaders are known to all of us and they have the key information about how the regime was run, why there was starvation and forced labour. They'll have to answer all these unanswered questions."