



Update: Khmer Rouge Tribunal

The Open Society Justice Initiative has long supported the mission of the Khmer Rouge Tribunal to bring justice to the people of Cambodia. We would like to update you on a few recent developments as the court's first case nears its end.

The Khmer Rouge Tribunal - formally known as the Extraordinary Chambers in the Courts of Cambodia - is charged with prosecuting senior leaders and those most responsible for mass crimes committed in Cambodia during the 1970s. Its unique structure as a court formally embedded in the Cambodian domestic system but with international participation at all levels makes it an important experiment in the development of legal accountability for mass atrocities.

UN Special Expert

Secretary-General Ban Ki-moon's appointment of a UN Special Expert on the Extraordinary Chambers in the Courts of Cambodia has the potential to revitalize the tribunal and curb political interference. Although the UN has not publicly identified the new Special Expert, insiders confirm it is Clint Williamson, former US Ambassador for War Crimes Issues. He is expected to take up his post in July.

In March, the Justice Initiative called for the appointment of a permanent senior advisor at the UN assistant secretary-general level to provide critical leadership and oversight to help the court achieve its mission. The new appointment of a Special Expert is a step in the right direction, given serious concerns over political interference, corruption, and funding shortfalls.

Political Interference

In July, the Open Society Justice Initiative released a new report focusing on the judicial independence of the Khmer Rouge Tribunal and how political interference appears to be threatening the court's work. As local media have noted, the report contains some of our strongest language to date.

Although UN and Cambodian officials have downplayed the significance of possible interference, the report lays out disturbing evidence of political pressure from Cambodia's leadership, intended to restrict who is prosecuted or appears as a witness at the tribunal. Cambodian officials have been pressed not to investigate well-connected former Khmer leaders, and those who disobey orders from on high may well not advance in their careers. This creates a rift between international and local staff, blocking the pursuit of justice.

As the court completes its first case, prepares to try its second, and contemplates additional cases, increased interference is crippling its ability to deliver justice and ensure fairness. The report presents recommendations to better safeguard independence at the ECCC, as well as to inform the structure and performance of future international courts.

The full report, *Political Interference at the Extraordinary Chambers in the Courts of Cambodia*, is available for download online.

Duch Verdict

The court is expected to release its verdict in the case of Kaing Guek Eav, alias "Duch," later this month. We are following this case closely and will provide analysis of the decision once more details are available.