

Cambodia prosecutor recommends investigating 'last' 5 war crimes suspects

Matt Glenn

September 8, 2009

The Extraordinary Chambers in the Courts of Cambodia (ECCC) announced Tuesday that international co-prosecutor William Smith recommends investigating five more potential war criminals in what would be the court's final investigations. The announcement came a day after Cambodian Prime Minister Hun Sen expressed hope [JURIST report] that the Court would cease to prosecute those suspected of war crimes during the Khmer Rouge [BBC backgrounder] regime due to security concerns. According to court rules, the names of the five suspects were not released. The release stated:

Based on a preliminary investigation, the Second Introductory Submission requests judicial investigation of eight (8) distinct factual situations of murder, torture, unlawful detention, forced labour and persecution. The factual allegations in this Introductory Submission, if proved, would constitute crimes against humanity, grave breaches of the Geneva Conventions and violations of the 1956 Cambodian Penal Code. The Third Introductory Submission requests judicial investigation of thirty-two (32) distinct factual situations of murder, torture, unlawful detention, forced labour, and persecution. The factual allegations in the Third Introductory Submission, if proved, would constitute crimes against humanity, violations of the 1956 Cambodian Penal Code and genocide.

Smith was recently appointed acting international prosecutor to replace to replace Robert Petit when his resignation [JURIST reports] took effect September 1.

The ECCC is in the midst of its first trial of a former Khmer Rouge leader - Kaing Guek Eav [TrialWatch backgrounder, JURIST news archive], also known as "Duch." A verdict in that case is expected [JURIST report] in early 2010. Kaing is the first of eight ex-Khmer Rouge officials expected to be tried before the ECCC, which recently announced the establishment of an independent counselor to oversee anti-corruption efforts [JURIST reports]. Last month Human Rights Watch (HRW) [advocacy website] asked the ECCC to determine the scope of its prosecutions [JURIST report] "to thwart growing perceptions that court decisions are directed by the government." In February, HRW warned that ECCC trials were in danger of being tainted for their failure to follow fair trial standards, and in January a Cambodian court agreed to hear a corruption case [JURIST reports] involving two ECCC judges.