



Q+A: Cambodia's Khmer Rouge tribunal
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Closing arguments began on Monday in the trial of Pol Pot's chief torturer, the first for a top Khmer Rouge cadre 30 years after the end of a regime blamed for 1.7 million deaths in Cambodia.

Kaing Guek Eav, known as Duch, faces charges of war crimes and crimes against humanity while chief of the S-21 torture center, where more than 14,000 died during the 1975-79 Khmer Rouge era.

Below are some questions and answers about the tribunal:

WHY HAS IT TAKEN SO LONG FOR THE TRIALS TO START?

Cambodia asked the United Nations and the international community to help set up a tribunal more than a decade ago, but the government sought to retain control of the court. The plan languished for years, with draft laws flying back and forth. The U.N. gave the go-ahead for the Extraordinary Chambers in the Courts of Cambodia, as the joint tribunal is known, in 2005.

The trial, originally expected to cost around \$20 million a year over three years, was delayed by bail hearings, appeals and pre-trial machinations. The tribunal asked donors for a \$143 million budget to run until 2010.

Many Cambodians have expressed frustration over the slow pace of bringing justice to Khmer Rouge leaders

HOW DOES THE JOINT TRIBUNAL WORK?

Conducted under a modified form of Cambodia's French-based judicial system, Cambodian and foreign judges and prosecutors will work together and try to reach unanimous decisions. If they cannot all agree, then a decision requires a "super-majority."

The Trial Chamber of three Cambodian and two foreign judges requires four to agree on a verdict. The seven-judge Supreme Court Chamber -- comprising four Cambodians and three foreigners handling appeals -- must have five judges in agreement.

Sentences can range from a minimum five years to a maximum of life in prison. There is no death penalty in Cambodia. The court can also seize money or property acquired unlawfully.

WHO HAS BEEN CHARGED SO FAR?

Duch is among five aging and infirm senior cadres facing various charges of war crimes and crimes against humanity.

Trial dates have not been set for ex-president Khieu Samphan, former foreign minister Ieng Sary and his wife Ieng Thirith, and "Brother Number Two" Nuon Chea. Pol Pot died in 1998 and there are fears that his surviving allies will die of old age before they face trial.

WILL ANYONE ELSE BE INVESTIGATED?

Cambodia's prosecutor opposed a bid by her foreign counterpart to go after six more suspects, citing the need for national reconciliation. Critics saw a political move to stop the court from digging too deep and perhaps unearthing secrets about some former Khmer Rouge figures in the government.

More broadly, some critics say the role of the United States and China in supporting Pol Pot's regime should also be probed.

The court says it can only try individuals for crimes committed in Cambodia between April 17, 1975 and January 6, 1979, and cannot try countries or organizations.

HOW WILL IT AFFECT CAMBODIANS?

Survivors hope the trials will bring closure to their grief, and mark a new era of peace and justice. They also hope it will educate young Cambodians about an era they know little about.

But some say its integrity is already threatened.

The Documentation Center of Cambodia, which collects evidence of Khmer Rouge crimes and estimates about five million survivors of the regime are still alive, accuses the tribunal of failing to invest enough time and resources to properly interview 93 regime victims known as civil parties ahead of the trial.

That's led to problems, it says. Each civil party has a right to a lawyer, to call witnesses and to ask questions. But some of those lawyers have tied up proceedings with repetitive or irrelevant questions, slowing the trial.

The tribunal has responded by saying it would streamline victim participation for its next four cases. Most experts say that will likely mean fewer victims involved in the testimony.

"Despite seemingly good intentions, the court's attempt to include victims as civil parties in an international criminal trial has failed," Youk Chhang, the Centre's director, wrote in a recent newspaper editorial. "The judges now stand ready to substantially reduce or eliminate the role of civil parties in advance of the second trial," he added.