

THE GLOBE AND MAIL

'This country has a long way to go'

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Canadian prosecutor Robert Petit speaks out about his bitter struggle to bring more killers to justice

This week Canadian lawyer Robert Petit's three-year stint as co-prosecutor for Cambodia's war-crimes tribunal officially came to an end. He cited "personal and family reasons" for his departure, but it's widely believed that political pressure is really to blame.

Co-sponsored by the United Nations and Cambodia, the tribunal has cost \$150-million but so far just five aging Khmer Rouge leaders have been charged, with only one brought to trial.

Mr. Petit, a 48-year-old veteran of conflict remediation in Rwanda, Bosnia, East Timor and Sierra Leone, says he has solid cases against another six veterans of the regime.

Cambodia's prime minister, himself a former Khmer Rouge officer as are many of his political allies, has said he'd rather see the court fail than expand its caseload because another civil war could result. But on Wednesday, a day after Mr. Petit's resignation took effect, the tribunal's Cambodian judges failed to persuade their international counterparts to block any new investigations.

Just before he left Cambodia, the usually tight-lipped Mr. Petit spoke candidly with Jared Ferrie, a Canadian writer based in Phnom Penh, about the challenges he faced.

On political interference

"It's obvious that some people in the government from the Prime Minister downward think they have a right to tell the courts what to do here. ... It certainly speaks volumes about the work that remains to be done in this country ..."

During a public meeting, "one older gentleman got up and asked me, 'How is it possible that you want some more suspects when the government said there shouldn't be?' He was genuinely puzzled. As long as people believe this is a fair question, this country has a long way to go."

What about fears that too many trials will rekindle the civil war?

"I think that's hogwash. Cambodians have paid such a high price for their peace and current stability that nobody's going to take to the bush for a few old geriatric mass

murderers. It's not going to happen ... To a certain extent, people who oppose that are probably still profiting one way or another from it, from impunity.

“It's always the red herring that's raised by politicians whenever accountability threatens the status quo. I think it's been proven time and time again – at least in terms of accountability for mass crimes – that on the contrary, accountability is one of the essential steps toward reconciliation and stability.

Does it matter if suspects die before their trials?

“That's one of the things that keeps me awake at night ... Without these people, these events would not have happened. Their story holds the key for the Cambodian people to understand why it happened and hopefully learn from that. So I think it's fundamental that these remaining individuals face trial.”

Will other cases be like Duch's?

“It's going to be much different because, as far as I know, none of the other accused have admitted any kind of responsibility. ...

“As far as I'm aware, only people kill people. A system itself is nothing without people that either create it, run it, or implement it.”

What motivates him

“One of the greatest things we have living in Canada is to be able to count on the rule of law ... I've never wanted to be anything but a prosecutor. And being able to prosecute these types of individuals for these types of crimes and bringing some justice to the victims of the worst possible violations – I think there's no better deal.”

But there are limitations “My neighbour in Ottawa was a Cambodian family. Both were refugees, both made it through the Khmer Rouge, both lost members of their family. The lady was supportive, saying, ‘You're going to do your best; whatever happens it will be at least that.’

“The husband was furious with me for even taking the job: ‘Where were you and where was the UN when my family was getting killed? Where are you now with all the millions you're going to spend when my current family members are eating grass?’

“And both of these opinions are legitimate. Both of these feelings you have to respect. ... A lot of people come to the court and go away disappointed. These courts generally speaking will prosecute people who never got their hands dirty, the architects or the high-level commanders, which is one of the things that I'm trying to achieve with these additional prosecutions. You can always find killers.”

On leaving Cambodia

“Of all the places I've dragged my family to, this has certainly been the best, and it's with great reluctance and great sadness that we are leaving.

“It's been a wonderful personal experience living here. My wife and kids have been very happy living here and unfortunately it has to end at this point.”