



GENOCIDE WATCH

THE INTERNATIONAL ALLIANCE TO END GENOCIDE

The Price Scale of Justice

By Luke Hunt, The Phnom Penh Post

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Putting a price on a human life has never been easy.

Hospitals constantly face financial pressures, but patients' right to privacy ensures such awkward subjects are handled behind closed doors.



ECCC POOL

Controversy rages over whether the Khmer Rouge tribunal represents value for money. Courts, however, and the public's right to know, are a different story.

The exorbitant costs often associated with delivering justice are at times kicked around with as much force as a political football before an election.

In Cambodia, this has remained a sore point since 1998, when Prime Minister Hun Sen served the United Nations with his wish list after three decades of war had left him at the helm of a ravaged nation.

Hun Sen needed money and, despite his misgivings, a UN-endorsed tribunal mandated with finding justice for as many as two million people who perished under the Khmer Rouge and the traumatised survivors who watched helplessly as ultra-Maoists annihilated their country's culture.

Such a tribunal had been touted since 1979, when a Vietnamese invasion ended Pol Pot's bloody reign, but had remained unrealised.

Amid the arguments were the dirtiest of questions.

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How much? And who should pay?

A figure of \$56 million was costed for the first three years of the Extraordinary Chambers of the Courts in Cambodia (ECCC).

But this figure would eventually triple, and critics have found some traction for their arguments that the tribunal was flawed and the money wasted.

“It’s difficult to monetise the value of justice for victims of mass crimes, but all recent examples have shown that prosecution of international crimes such as genocide and crimes against humanity requires substantial resources,” ECCC spokesman Lars Olsen says.

The ECCC has spent about \$150 million since its investigations began in 2006.

The biggest funders (\$70 million to date) are the Japanese, and cynics argue that Tokyo enjoys bankrolling the tribunal to embarrass its traditional enemy China, which backed, traded with and sent aid to, the Khmer Rouge.

“It’s not a great amount of money,” says Helen Jarvis, a senior adviser to the Cambodian government and a staunch supporter of the ECCC since its inception.

“It’s about the cost of a bridge. Is one bridge worth more than justice for so many? I don’t think so.”

But others, including Brad Adams of New York-based Human Rights Watch, are unimpressed, claiming political interference has tainted the ECCC and the tribunal is delivering too little, too late.

“After five years and more than \$150 million, the court has tried just one defendant,” Adams says.

That defendant, Duch, has been sentenced to life imprisonment.

Before the ECCC in Case 002 are party ideologue Nuon Chea, 85, former head of state Khieu Samphan, 80, and ex-foreign minister Ieng Sary, 86.

They are the surviving members of the Khmer Rouge standing committee that wrote and deployed government policy.

Allegations levelled at them include crimes against humanity, murder and genocide.

Members of that committee have always been the main targets of tribunal investigators.

The court has heard grisly evidence of mass graves, cannibalism, rape, forced labour and bizarre forms of torture that ranged from electrocution to being fed to fish.

Olsen insists the ECCC isn’t costing more than other tribunals; in fact, he says, it’s relatively cheap.

The International Criminal Tribunal for the former Yugoslavia has spent more than \$2 billion since 1993 to secure 63 convictions.

The International Criminal Tribunal for Rwanda has spent \$1.4 billion since 1994, winning 44 convictions.

The ECCC has spent about \$30 million a year since investigations began five years ago.

Costs are kept down by combining locals with international staff in a hybrid system of Cambodian and international laws.



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ECCC sources say foreign judges and lawyers are being paid between \$120,000 and \$150,000 a year – hardly exorbitant compared with what a defence attorney in the US or a prosecutor in London earns.

Local ECCC staff make about half that amount.

But the carping by critics has been relentless, and Adams is among the harshest, particularly over whether further indictments should be issued for Case 003 and 004, involving five lower-ranked cadres allegedly involved in the slaughter.

Adams' claims are ambitious and a little shrill. He has said there is wide agreement in UN circles that the ECCC "is a mistake that should never be repeated elsewhere" and the UN's reputation in Cambodia is at stake unless it acts "to reverse the ECCC's descent into a quagmire".

The ECCC has taken significant steps to reduce costs and hasten the pace of hearings amid fears the three before the court will die of old age before justice is served.

Costs aside, there are some real advantages to the hybrid court system.

Importantly, justice is rendered to international standards, and hybrids tend to be more respectful of sovereignty than fully fledged international courts.

This mix of the domestic and international also increases the court's legitimacy in the public's eye.

That recognition is displayed on the manicured lawns outside the ECCC, where survivors of Pol Pot's regime queue with monks, farmers and schoolchildren, all hoping for a front-row seat at the most important show in town.

About 100,000 people have visited the court.

Hearings are broadcast live, and most Cambodians are hearing for the first time what happened when their families and friends – like their livelihoods and culture – were obliterated in one of the great tragedies of the 20th century.

Once Case 002 concludes, the ECCC will probably have racked up a \$200 million bill: about \$100 for every person who died in this country when the Khmer Rouge ran what it called Democratic Kampuchea.

And, according to Lars Olsen, Helen Jarvis and the thousands who arrive here each week in buses and cattle trucks to catch a glimpse of Pol Pot's surviving comrades, that's not a bad deal.

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