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Khmer Rouge Trial Remains Stalled, But Agreement Inching Closer

PHNOM PENH — The committee drafting internal rules necessary for trials of former Khmer Rouge leaders remained in deadlock, although it had inched significantly closer to agreement, the committee said in a press release Friday.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) Review Committee concluded its two-week session in Phnom Penh on the draft internal rules Friday on a more positive note than the bitter recriminations of November, but still unable to resolve "several major issues" during the closed-door session.

"As a result of in-depth discussion, resolution was found for many of the identified points of disagreement, and the remaining matters were brought to this week's meeting of the Committee," the committee said in a statement.

"Solid progress was made during the two-week session of the Review Committee, significantly narrowing the number of outstanding issues.

"Nevertheless, there remain several major issues to be fully resolved, such as the way in which Cambodian and international law can be integrated into the Internal Rules to ensure a transparent and fair registration process and full rights of audience for foreign defence counsel before the ECCC."

A further meeting of the committee will convene in March, it said.

"We are acutely aware of the urgent need to ensure fair and open trials for the benefit of the Cambodian people and we are all committed to achieving that goal," the committee concluded.

The nine-member committee convened earlier this month to discuss the rules, which govern every aspect of the hearings from the design of the trial chamber to victims' rights and the roles of the Cambodian and international staff.

The two-week discussions followed the group's failure last November to agree on more than a small portion of the rules amidst bitter legal argument, which effectively stalled the 56-million-dollar joint UN-Cambodian hearings just months after it began its initial prosecution stages in July.

One of the major sticking points has proved to be finding common agreement on how the international and Cambodian teams fit together and how their roles will be defined.

The Cambodian Bar Association at one point threatened to disbar members who participated in some proposed training sessions, and debate focusing on issues such as

independent legal representation for defendants and the role of international lawyers alongside their Cambodian counterparts has been fierce.

The UN and Cambodia agreed to the joint trials of former Khmer Rouge leaders in 2003 after six years of discussion. No indictments have yet been issued and it is unclear as yet which surviving leaders will face court on charges of crimes against humanity and genocide committed during its 1975 to 1979 Democratic Kampuchea regime.

Up to 2 million Cambodians died during that period. However most of the now aging and often ailing leaders still live freely in their communities. Former leader Pol Pot died in 1998. Former military commander Ta Mok died in hospital last year.

The trials are budgeted to take just three years to complete and advocates have warned that, as both witnesses and potential defendants get older, the trials must take place soon or risk never happening at all.

Critics, including the New York-based Human Rights Watch, have accused the government of meddling in the process and of lacking the political will to proceed swiftly, but the government has angrily denied the accusations, calling them politically motivated and groundless.

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