

Cambodia passes law to try Khmer Rouge leaders

REUTERS

PHNOM PENH, JULY 23

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CAMBODIA'S Upper House of Parliament on Monday passed a long-awaited legislation to set up a tribunal to prosecute former leaders of the notorious 1975-1979 Khmer Rouge regime.

Chea Sim, president of the Senate, said a draft law to set up a Khmer Rouge tribunal was passed unanimously by 51 Senate members who took part in a 90-minute debate on Monday morning.

"Today we passed the Khmer Rouge draft law unanimously," Chea Sim said.

An estimated 1.7 million people died of starvation, forced labour and execution during the regime's three years in power, but no one has yet been brought to justice. The Khmer Rouge draft law, which paves the way for a special tribunal to try former leaders of the "killing fields" regime, was passed earlier this month by the lower house of parliament, the National Assembly.

Now with Senate approval, the law goes to the Constitutional Council, and then to King Norodom Sihanouk for final approval.

If the United Nations approves the law, a memorandum of understanding will be signed with the Cambodian government on the setting up of a tribunal. Senior cabinet Minister Sok An, the government's top negotiator on the trial, told reporters at the Senate he was confident the law would get U N approval.

The United Nations has said Cambodia's judicial system is too weak to organise a trial for former Khmer Rouge leaders and only the participation of international legal experts can ensure proper standards of justice.

New links found in Khmer Rouge chain of death

HD-12
1977

WASHINGTON, JULY 17. During their first year in power a quarter of a century ago, senior Khmer Rouge leaders ordered the arrest and execution of thousands of Cambodians who they were convinced would undermine their brutal revolution, and demanded detailed secret reports to show that the orders had been carried out.

In one such report, discreetly copied to Nuon Chea, second in command in the regime, a Khmer Rouge prison guard gave an itemised account of the steps taken to torture Man San, one of the thousands of Cambodians killed at Tuol Sleng prison in Phnom Penh.

"In the evening, we tortured him with about 20 to 30 wire lashes," wrote the prison underling identified as comrade Pon in a report dated September 25, 1976.

Pon wrote that the victim was then subjected to further beatings with a rattan whip. He was then told that his family had been arrested and would be tortured if he did not confess to betraying the revolution.

"Do you realise that your wife and child are here?" he was asked. "Do you know the state of their health?" The report continued. "At about nearly 10 p.m. we were about to use our bare hands when he confessed." Then the victim was executed. His wife and child were also killed.

This report, along with 1,000 other newly discovered telegrams and documents sent to senior Khmer Rouge leaders, provides the first concrete evidence of their direct involvement in the killings of nearly 1 million Cambodians and the death of another million from disease and starvation during the Khmer Rouge regime, from 1975 to 1979.

Even though there had been plentiful proof of the crimes themselves, including numerous mass graves, millions of pages of

documents, and haunting photographs and confessions from the torture chambers, the newly disclosed documents open a window on the leaders' direct responsibility, often covered in minute detail, in the chain of command that led to the massacres.

The documents are contained in a report by the War Crimes Research Office of the American University College of Law. The report, to be released on Monday, presents the evidence against seven of the most senior living Khmer Rouge leaders, including Nuon Chea, the second-highest figure in that government; Ieng Sary, former Foreign Minister, and Khieu Samphan, the former head of State.

Unlike some other former leaders accused of crimes against humanity, these three men still live comfortably in their own country, safe so far from arrest and prosecution.

Pol Pot, the mastermind of the Khmer Rouge revolution, died at the Thai-Cambodian border in 1998.

Despite the growing evidence against them, the greatest obstacle to their arrest and trial has been the reluctance of the current Cambodian Government, under the Prime Minister, Mr. Hun Sen, to agree with the U.N. on how to set up a tribunal. China has proved a powerful ally for Mr. Hun Sen in his negotiations with the U.N.

These new documents will add to the pressure from Cambodians as well as from the U.N. and influential foreign nations to bring these men to justice.

"This report will be a template for any prosecutor, a starting point for an investigation," said Mr. Ralph Zacklin, assistant secretary-general for legal affairs at the U.N., who has been part of the negotiations with Cambodia to set up a tribunal. "It definitely will

focus a lot of attention on the Cambodian trials and presumably it will energise member states to keep pushing this forward."

In an era when Mr. Slobodan Milosevic, the Yugoslav leader blamed for starting four Balkan wars, has been handed over to The Hague to stand trial for war crimes, when other countries that were once part of Yugoslavia, as well as Rwanda and Sierra Leone, are cooperating with international tribunals, Cambodia has become the odd country out.

For Mr. David J. Scheffer, former U.S. Ambassador at large for war crimes, who negotiated with Cambodia for a tribunal, the report marks "a big leap forward" in establishing the specific case against Khmer Rouge leaders.

"This is extremely important to reconstruct the paper trail all the way to the top and establish the command authority of the leaders," Mr. Scheffer said. "We're reaching a very important moment." The Hun Sen Government has resisted three years of attempts by the U.N. to establish a tribunal. Last week, Parliament approved legislation to set up a tribunal, but it will take months to establish. And Mr. Hun Sen has yet to sign an agreement with the U.N. to ensure that the tribunal will adhere to minimum international standards.

The report, by Mr. Stephen Heder, a Cambodia scholar, and Mr. Brian D. Tittmore, a legal expert, was written out of frustration. They were concerned that without a tribunal there would never be a legal document establishing responsibility for the Cambodian killings, said Ms. Diane Orentlicher of American University, who led the project. "We knew the efforts to create a legitimate tribunal were running up against resistance," she said. — *New York Times*

Bill to try Khmer Rouge leaders passed

By Amit Baruah

SINGAPORE, JULY 11. The Cambodian National Assembly today passed a Bill to set up a mixed international-Cambodian tribunal to try former leaders of the Khmer Rouge responsible for the deaths of 1.7 million persons between 1975 and 1979.

The Bill, passed with a massive majority, will now have to be approved by the Senate and sent to King Norodom Sihanouk for assent. Of the 88 Parliamentarians present, 86 voted in favour of the legislation.

"Today we passed the Khmer Rouge draft law to establish ex-

traordinary chambers to try the Khmer Rouge leaders," the National Assembly President, Prince Norodom Ranariddh, told reporters in Phnom Penh after the vote. "The legislation will be sent to the Senate either this afternoon or tomorrow," he said.

An earlier version of the Bill was

passed by the National Assembly in January this year, but was sent back by the Senate which wanted all references to the death penalty removed. (The death penalty was abolished by Cambodia some 10 years ago).

The United Nations and the Cambodian Government had agreed in April 2000 to set up a mixed tribunal to bring to book some of those responsible for the worst acts of genocide in the 20th century.

After the bill is approved by the King, the U.N. is expected to tally the law with the agreement reached with the Cambodian Government in 2000.

Mr. Sok An, Cambodia's chief negotiator on the tribunal, said he was ready to meet a U.N. representative as soon as the Bill was ratified.

"(The U.N. Chief Legal Counsel) Hans Correl and I will continue to negotiate more after the law comes into effect...we must meet each other, but I don't know where — either Phnom Penh or New York," he said.

Only recently, the Cambodian Prime Minister, Mr. Hun Sen, used harsh words against the United Nations following comments on the draft legislation.

He went to the extent of saying that Cambodia might hold its own trial rather than be dictated to by the U.N. on the law setting up the tribunal.



Members of Cambodia's National Assembly vote 86-2 in favour of the amended draft law for a tribunal to try surviving members of the Khmer Rouge, on Wednesday. — AP

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Hun Sen lashes out at U.N.

S. P. Binig
Cambodia

By Amit Baruah

SINGAPORE, JUNE 29. The Cambodian Prime Minister, Mr. Hun Sen, has lashed out at the United Nations after a U.N. official made critical remarks about a draft law relating to a Khmer Rouge war crimes tribunal.

Charging the U.N. with "forcing Cambodia to follow its will," Mr. Hun Sen was quoted as saying in Phnom Penh today: "I'd like to tell the U.N. to be quiet... and leave Cambodia to work on this. If the legislative body only wants to get advice from the (U.N.), there's no need to have a country," the Prime Minister said after a Cabinet meeting.

The Prime Minister, who has been under considerable international pressure to go ahead with plans to set up the U.N. tribunal, said the U.N.'s "ignorance" was violating Cambodia's sovereignty.

Just yesterday, Mr. Peter Leuprecht, envoy of the United Nations High Commissioner for Human Rights (UNHCHR), had ex-

pressed reservations about the Cambodian draft law setting up the tribunal. "I am an international lawyer, and if I were to have designed an international tribunal, I would not have designed this one," Mr. Leuprecht said in Phnom Penh on Thursday.

"But we now have to make the best of it... I believe it will be much more difficult to find competent and independent Cambodian judges for the tribunal," the envoy stated. The draft law, which was passed by the lower House of Parliament, could not be enacted into law following objections from the Constitution Council.

However, just last week, Mr. Hun Sen stated that the trial of surviving Khmer Rouge leaders could begin by the end of the year. The first hearings, the Prime Minister said, would be that of Ta Mok, better known as "the Butcher" and Kang Kek Ieu, or "Duch", the head of the notorious Tuol Sleng torture and execution centre.

THE TRIBUNE

Khmer Rouge victims may never get justice

By Amit Baruah

PHNOM PENH, JUNE 7. Indo-China, and more specifically, Cambodia, have ceased to attract the attention of the rest of the world as they did in the last couple of decades when the Vietnamese, Chinese, Soviets and Americans were engaged in jockeying for power and position.

Today, the guns are silent in this part of the world. The horrors of war in Cambodia are receding, but the memories remain. For many of those who lost their close relatives in the Pol Pot "genocide", justice remains an elusive dream. The Khmer Rouge trials remain an irritant though Cambodia enjoys considerable political stability under the leadership of the Prime Minister, Mr. Hun Sen, who must woo the Western world for aid to develop this nation of 12 million people.

Currently, a law to set up a mixed (Cambodian and international) tribunal to try leaders of the Khmer Rouge, responsible for the deaths of 1.7 million Cambodians, is in a limbo. Passed "unanimously" by the Lower House of Parliament, or National Assembly, on January 2, the law has met "expected" hurdles in the Constitutional Council. The Constitutional Council, which found that the mandated death penalty in the law was at variance with the country's Constitution, sent the draft back. Now, the law must make its way through Parliament once again.

Dr. Lao Mong Hay, executive director of the Khmer Institute of Democracy, believes that the Cambodian Government actually does not want to go ahead with



This December 29, 1998 picture shows the top surviving ideologue of Cambodia's genocidal Khmer Rouge, Nuon Chea, being helped along by bodyguards on his arrival at a hotel in Phnom Penh.

the trials. "I am convinced that a trial would reveal a lot of things," Dr. Lao told this correspondent in a recent interview. Specifically, he argued that China did not want any trial since the role played by Beijing in the period 1975 to 1979 (when the Khmer Rouge held power) would be exposed. "The trials could open a Pandora's box," he said.

"We are yet to write our history (of that period) and work out the connection between China and the Khmer Rouge," Dr. Lao said. He admitted that Cambodians were divided on the issue of a trial for the Khmer Rouge leaders, several of whom roam the country freely. Under considerable pressure last year, the Prime Minister

agreed to include two international judges in the mixed tribunal. However, Mr. Hun Sen, wrote to the U.N. Secretary-General, Mr. Kofi Annan, saying that he wanted to enlarge the scope of the trial from 1975-79 to the entire period from 1970 to 1999.

The extended period would include support for the U.S.-backed coup of 1970, the carpet bombing of Cambodia by the Americans, and subsequent Chinese-American support for the Khmer Rouge after Vietnamese-led forces "liberated" Phnom Penh from Pol Pot's control in 1979. However, the Prime Minister is said to have dropped his insistence on this issue. From the Prime Minister's point of view, there are some

Khmer Rouge leaders like Ieng Sary (Foreign Minister under Pol Pot) whom he wants to protect.

A Phnom Penh-based analyst said that the Prime Minister does not want to create fresh problems for himself by pushing ahead with the tribunal and the trial. "Many of the Khmer Rouge leaders to be tried are old. Like Pol Pot (who died in April 1998), they may also pass away. Delays could help such a process," he added. The Prime Minister is scheduled to travel to Tokyo for a "Cambodia contact group" meeting later this month, where donor countries, who resumed aid to this country in 1999, are expected to pledge some \$526 million in aid. For some donors, the trial remains an issue.

Some believe that it is China which is pressing Mr. Hun Sen to block the trial process. The Chinese National Assembly leader, Mr. Li Peng, was in Cambodia last month while the Chinese President, Mr. Jiang Zemin, visited the country in November last year. The Chinese, who extended a credit line of \$200 million to Cambodia in 1999, are major players in the country and in the region, a fact not lost on the Cambodian leadership.

Even the Vietnamese, who facilitated the taking of power by Mr. Hun Sen and his comrades, today have strong, well-developed economic relations with the Chinese. This is something not lost on other Governments in the region. Some analysts here believe that the "tribunal talk" is intended to please sections of the donor countries. For its part, the Government does not want to open a can of worms.

Hun Sen accepts US formula for Khmer trial

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1973
DEUTSCHE PRESSE AGENTUR

PHNOM PENH, April 17. — The Cambodian Prime Minister, Mr Hun Sen announced today that he has agreed to a United States-proposed compromise on a genocide tribunal for leaders of the Khmer Rouge, whose brutal regime wiped out 1.7 million Cambodians.

Coming on the 25th anniversary of the Khmer Rouge's seizure of power, the compromise proposal could finally break a deadlock and allow the United Nations and Cambodia to set up a first-of-its-kind jointly run tribunal to try the regime's top leaders. "I think that today will mark the resolution of this issue - if there is no change to the new formula," the Prime Minister said on his return from the G-77 summit in Cuba.

However, the UN has not yet agreed to the compromise on how to handle indictments. In fact, the UN representative in Phnom Penh was caught off guard by the announcement and said this afternoon she had no idea about the new proposal. Hun Sen pledged last week in a meeting with UN Secretary-General Kofi Annan to resume talks on the tribunal. The US is not officially involved in the tribunal negotiations, but has been mediating between the two sides. US Senator John Kerry, a Massachusetts Democrat, has been particularly involved. It was he who last year convinced Hun Sen to allow foreign judges and prosecutors on the tribunal.

Kerry made a special trip to Havana last week to meet with both Annan and Hun Sen to try to move the process along, a US diplomat said on Monday. The "new formula" is a proposal by Kerry on how to resolve one of the last remaining issues between the two sides - what to do if the two co-prosecutors, one foreign and one Cambodian, disagree on an indictment.

According to Hun Sen, the Kerry proposal would have a special panel of judges, three foreign and two Cambodian, to mediate any disputes between the co-prosecutors.

Negotiations have been fraught with judicial detail and with mistrust. A key issue is whether a Cambodian-dominated tribunal would be independent enough to indict Khmer Rouge leaders whom Hun Sen has allowed to defect and who now live freely in Cambodia.

THE STATESMAN

18 APR 2000

CAMBODIAN PUZZLE

A Struggle Towards Nationhood

ARTICLE 41 of the Cambodian constitution says all citizens have the freedom of expression, press, publication and assembly. It adds that the "regime of the media is determined by law".

The Press Law, promulgated by the Kingdom of Cambodia in August 1996, states that "generally, the Press has the right of access to information in government held records, except..." when it involves harm to national security; harm to relations with other countries; invasion of the rights of individuals, including files of civil servants, medical files and other confidential official documents, and exposure of confidential commercial and financial documents obtained from individuals or legal entities and information related to the regulation and supervision of financial institutions.

If you see a contradiction between the two preceding paragraphs, you would share the view of many, and the scepticism of some, about the efficacy of democracy and press freedom in Cambodia. If you do not see a contradiction, you are probably a part of the Cambodian ruling elite.

Twenty years after the Khmer Rouge, it is such contradictions that dog Cambodia's tortuous march towards democracy.

Dictatorship

Prime Minister Hun Sen maintains the press is free in his country and that Cambodia is a vibrant democracy. Speaking to senior editors at the third Asian-German editors' forum organised by the Konrad-Adenauer Foundation in Phnom Penh on 31 January, he says in a not so democratic vein that while the press is free to ask what it wants, he too is free to answer, or not answer as he thinks best.

A day later, his senior minister for information — a former California restaurateur — takes the breath of many away by suggesting that there are too many journalists in Cambodia and that it is time the government decided to pre-qualify those wanting to be journalists. He however insists that the reason for this rather drastic prescription is that the press in Cambodia is "too free".

And less than 24 hours later, veteran Cambodia-watcher and journalist Nate Thayer of the *Far Eastern Economic Review*, puts a somewhat different complexion on things. In a categorical and numbing after-dinner indictment, Thayer maintains that Cambodia is a dictatorship in all but name, and a corrupt dictatorship to boot.

By RAVINDRA KUMAR

Thayer thinks the erudite and somewhat slippery (as many journalists describe him) leader of the opposition, Sam Rainsy, has a "zero per cent" chance of gaining power. His reason: that the establishment would never

The author is Managing Editor, The Statesman.

let him. And the establishment, according to him, has more crooks than good guys in its ranks.

There are contradictions about government, too. King Norodom Sihanouk is the constitutional head, but it is not necessary that his son will succeed him to the throne. A Council of the Throne will decide the succession and it is said that a decision will depend on the allegiances of those who constitute it. But Mr Hun Sen meets questions on the contradictions inherent in this situation by saying that a discussion on succession is akin to wishing ill for the incumbent monarch! Never mind he is old, ill and presently in Beijing for medical treatment.

More contradictions are in store in battle-scarred but unspoiled Cambodia. There is a law against narcotics, yet a junior minister tells you where you can buy marijuana (Make sure you ask for spice to put in your chicken soup, he counsels). "We don't want to end up like Bangkok," says a senior bureaucrat as we drive past a string of go-go bars, all offering massage and more.

A Buddhist intellectual, Heng Monychenda, seeks to explain the contradictions inherent in Cambodian society by highlighting the varying influences of Mahayana Buddhism, Brahminism and animism on the Theravada Buddhism practised in Cambodia.

Contradiction

He argues that although Buddha, to a genuine believer, is not God, today's Cambodians eschew the ethics of *karma* to pray to his statue for luck. Monychenda even attempts to explain the Cambodian contradiction by drawing attention to the temples in Siam Reap.

The Hindu Angkor Wat temple, he explains, revolves around the monarch and glorifies the elite. The Buddhist Bayon temple nearby is more people-centred as evidenced by the sculptures on its walls. And it is this dichotomy that invades the Cambodian thought process, he concludes.

One can agree or disagree with this rationalisation. Or one can highlight the contradiction by pointing out that nations where a majority practise Buddhism seem predominantly to be monarchies

(Japan, Thailand and Cambodia), while the world's largest collection of Hindus are part of a republic. But that does not explain Cambodia.

There are less esoteric contradictions in view, too. There is the 1970s view of Phnom Penh, a city that was all but abandoned to the ghosts unleashed by a brutal Khmer Rouge. And there is today's Phnom Penh, still largely unspoiled and unpoluted, yet struggling to keep pace with its neighbours and five, possibly ten years away from skyscrapers and smog.

There is the looming Communist presence in the north, and the exploitation by the proletariat that Vietnam routinely

subjects its neighbour to. And the burgeoning — almost cowboyish in its liberalness — presence of the Thai and Malaysian carpetbagger businessmen, wanting their pound of flesh.

There is the open-skies policy followed by Mr Hun Sen's government to exploit Angkor Wat's tourist attractions. And there are the prohibitive charges for entering and exiting Cambodia, levied by his government.

There is Cambodia's recent membership of Asean, joining the company of South-east Asian tigers and wannabe cubs with bloodied lips like Myanmar, and agreeing to the grouping's charter. And there is the kingdom's seeming lust for dollars, extracted 20 at a time from each visitor including those from Asean countries and giving rise to cries of "not fair".

Paradox

There is the visible emphasis on the country's glorious Hindu-Buddhist past, the embracing of 10th and 11th century icons. And there is the virtual absence of a contemporary Indian role (unlikely to change even though Mr Hun Sen visits New Delhi this week), compounded by India's reluctance to see business opportunities in a marketplace that every one else jostles to enter, and emphasised through a miniscule diplomatic presence that lacks the muscle to match its earnestness.

And finally, in yet another manifestation of the ultimate Asian cliché, there is money as held by those who control Cambodia, people who visit the money-changer to exchange dollar traveller's cheques for dollar bills. And there is pitiable poverty which is the lot of those who make up Cambodia: paradoxically, the currency they use is called the Riel (and pronounced real).

The effusive and affable president of Cambodia's chamber of commerce pleads with visitors that they should not judge his country too harshly. "We are a young nation, struggling to be a democracy," he says. And there lies the final irony, for on the evidence Cambodia is an ancient land struggling to be a nation.



THE STATESMAN

19 FEB 2000

Caging the Khmer Rouge

The Hun Sen Government in Cambodia has drawn up a new blueprint for the trial of the surviving leaders of the Khmer Rouge.
P. S. SURYANARAYANA
analysis the move.

THE "MILLENNIUM crossover" in this emerging new era of "pax electronica" is hardly the time for a small and hapless South East Asian State like Cambodia to make its presence felt on the international stage. Yet, the reign of genocidal terror in that country in the 1970s has not ceased to be relevant to the evolving ethos of international relations at the dawn of a new millennium. The preven-

ity of that confidence vote needs no explanation in a Cambodian context that was defined by the absence of political morality for several decades, notwithstanding the perceived constitutionality of the long-reigning monarch, King Norodom Sihanouk.

More recently, Mr. Hun Sen's participation in the summit of the Association of South East Asian Nations (ASEAN) in Manila in November served as an international endorsement of his status as the new leader of Cambodia. It is in this context that Mr. Hun Sen has begun a new round of diplomatic dialogue with the U.N. over the issue of laying the ghost of the Khmer Rouge to eternal rest. But the question is whether the dialogue is likely to make any headway at all.

The Hun Sen administration drew up a new blueprint recently for the trial of the surviving leaders of the Khmer Rouge, all of them already condemned by the world as cohorts of the deceased

If Mr. Hun Sen had gone ahead with his parallel plans, his Cabinet would have by now approved the blueprint without having had the benefit of the U.N.'s comments to go by. Outwardly, this could not be seen as an irreversible step. But the fact remains that the stage would then have been set for a purely domestic trial within the judicial parameters of Cambodia's unsophisticated legal system.

Now, with Mr. Hun Sen giving himself some time to translate the blueprint into a final plan of action, the odds against a substantive trial have eased slightly. But international concerns over the Cambodian framework of justice have not eased.

Under the Hun Sen plan, foreign judges and prosecutors with international standing could assist their Cambodian counterparts in bringing Ta Mok, "Duch", Mr. Khieu Samphan and Mr. Nuon Chea to book. But the proverbial scales of justice will be left entirely

he had strong compulsions to test the will of the international community.

Apart from the obvious argument about Cambodian sovereignty over the Khmer Rouge trial, Mr. Hun Sen played the card of national unity and reconciliation to justify an internal process of justice. An anti-genocide trial was not seen by him as a deterrence option but as a Pandora's Box. His stated fear was that a trial by an international tribunal could only revive old passions in Cambodia. This argument could not be dismissed outright, if only because the Khmer Rouge had spread its tentacles deep within Cambodian society. This perceived reality could alone lead to fresh tensions in Cambodia in a Khmer Rouge trial by an international jury under the largely Western norms of retributive justice.

Beyond this, Mr. Hun Sen's gameplan covered other considerations of exposing the chinks in the international community's human rights armour. Given the Khmer Rouge's varying equations with such countries as the U.S., at one end of the spectrum, and Thailand, at another, over a long period, Mr. Hun Sen knew that the demand for an international tribunal could be countered with the insistence on examining that organisation's realpolitik connectivity with non-Cambodian players and States as well, which was sometimes viewed in the West as a "sideshow" of the roles of Richard Nixon and Mr. Henry Kissinger in Cambodia's slide.

Now, the U.S. has already indicated its preparedness for allowing a scrutiny of its alleged role in the tragic drama of the Khmer Rouge's rise. If, however, the international community should now consider it worthwhile to give Mr. Hun Sen a full hearing on the trial issue, the reason has much to do with the remarkable manner in which his administration has brought that country to the threshold of a bid for establishing a proper civil society.

When the United Nations Transitional Authority in Cambodia (UNTAC) began its operations in March 1992, some Khmer people likened its advent to the possible fulfilment of a Buddhist prediction that "white elephants with blue hats" would save the country from disaster. Now, although Mr. Hun Sen has not been viewed as a possible saviour of Cambodia, he seems determined to prove that he can still make a positive difference.



A Khmer Rouge ring leader under arrest... ensuring justice.

tion of the rise of genocidal regimes is an abiding issue on the ill-defined but recognisable international agenda, and that accounts for a new sense of urgency on the Cambodian front. The only incongruence is that the Cambodian Government's sense of urgency does not match the priorities of the global community as being articulated by the United Nations.

Since winning a mandatory vote of confidence, a novelty in itself, in Cambodia's newly-elected National Assembly over a year ago, the Prime Minister, Mr. Hun Sen, has not looked back. The critical-

Pol Pot in his crimes against humanity carried out in the name of creating an agrarian El Dorado in Cambodia in the 1970s. Mr. Hun Sen lost no time in sending the plan to the U.N. for its comments.

These sequential actions were in tune with his oft-stated policy of associating the U.N. with the trial of Pol Pot's surviving lieutenants. But Mr. Hun Sen's parallel bid to go it alone, if need be, raised doubts whether he was merely going through the motions of consulting the international community, while actually playing according to a possible hidden agenda.

in the hands of the Cambodian legal luminaries. This aspect is opposed by Western observers. The absence of judicial expertise in Cambodia need not be laboured as an argument to acknowledge their point.

The idea of a "super majority" for a judicial verdict on genocidal crimes is another novelty in the Cambodian scheme, besides the proposal that both Khmer prosecutors and international experts could adduce evidence and argue the case. If Mr. Hun Sen had considered it prudent to make his intentions clear, despite being aware of the Western scepticism,

Cambodian Premier rejects UN call for talks in New York ^{HF 14}

Phnom Penh, January 7

CAMBODIAN PRIME Minister Hun Sen today rejected a United Nations invitation for talks in New York on Khmer Rouge genocide trials, but said he is still willing to negotiate on UN concerns about the independence of the courts.

One day after the Council of Ministers approved a law setting up a special court to try leaders of the bloody 1970s Khmer Rouge regime, Mr Hun Sen said Cambodia will move forward without the UN. If it has

so, but he still is open to a deal.

"We will not send a delegation to talk with anyone, but if the other people want to talk with us, we are ready to talk in Phnom Penh," the Prime Minister said at a celebration marking the 21st anniversary of the fall of the brutal Khmer Rouge regime. "We have opened the door," Hun Sen said.

An estimated 1.7 million Cambodians died under the Khmer Rouge's brutal policies from 1975-79. More than 20 years after the fall of most blood-stained regimes, how to bring its architects to justice is enmeshed in a diplomatic struggle.

Central to UN concerns is the worry that Cambodian politicians

might be able to manipulate the Khmer Rouge trials to exclude former cadre now allied with the government. Cambodia's weak justice system is notoriously subservient to the ruling Cambodian People's Party. Hans Corell, the UN Deputy Secretary-General for legal affairs, sent a letter to Cambodia yesterday inviting Cambodians to New York for new talks and requesting changes to the draft law.

The letter arrived as the Council approved the draft yesterday and it

was not considered in the debate. Among the changes Mr

Khmer Rouge Trials

Corell requested are for each of the two co-prosecutors—one foreign and one Cambodian—to have independent power to indict. The draft now requires the two to agree, which could allow the Cambodian prosecutor to block indictment of government allies.

The UN also wants Kofi Annan to directly select the foreign judges that would sit on the first-ever mixed tribunal and to approve the Cambodian judges. The draft now gives Cambodia final approval on judges.

Cambodian officials have expressed frustration with the UN over its refusal to send any legal experts to help in drafting the law passed on Thursday. (DPA)

THE HINDUSTAN TIMES

- 8 JAN 2000

40 15 Obuchi arrives in Cambodia

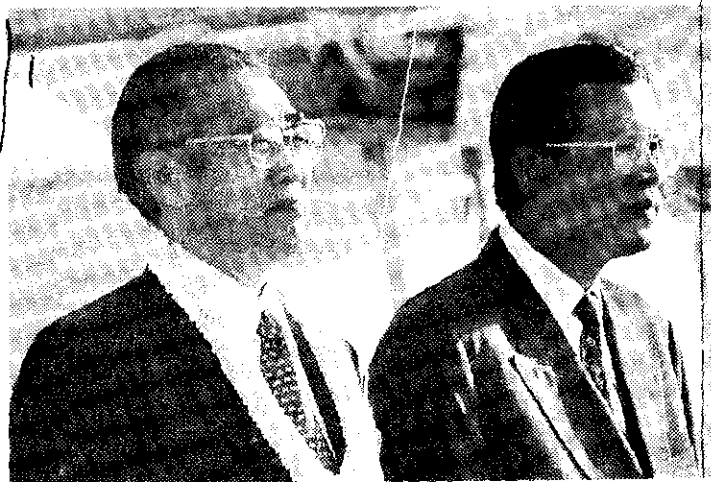
PHNOM PENH, JAN. 10. Japan's Prime Minister, Mr. Keizo Obuchi, arrived here on Monday on the first trip to Cambodia by a Japanese Premier in 43 years, and for high-level talks set to focus on aid and calls for a "killing fields" trial.

With Cambodian and the United Nations deadlocked over plans for establishing a Khmer Rouge tribunal, observers say Mr. Obuchi's clout could help nudge a last-minute compromise in the political minefield.

As the single largest donor to Cambodia, Japan's aid contributions are also taking centre stage, with Mr. Obuchi required to balance the Cambodian Premier, Mr. Hun Sen's calls for greater assistance with donor community demands for far-reaching reforms.

"I've done homework today on the countries I will visit," Mr. Obuchi said ahead of his arrival, adding he had watched the Oscar-winning 1984 "The Killing Fields" — a moving portrayal of Pol Pot's nightmarish regime.

Mr. Hun Sen, among scores of officials who greeted Mr. Obuchi and his 130-strong delegation with a red carpet welcome at the



The Japanese Prime Minister, Mr. Keizo Obuchi (left), with his Cambodian counterpart, Mr. Hun Sen, on his arrival in Phnom Penh on Monday. — Reuters

specially spruced-up Phnom Penh airport, last week snubbed a U.N. appeal for direct talks in New York over plans to set up a long-awaited trial for the genocide.

Defying appeals for greater flexibility, he has pressed on with a plan that would give his Govern-

ment far-reaching control over a trial of rebels blamed for the 1975-1979 genocide, when up to two million Cambodians died.

The U.N. insists the take-it-or-leave-it formula does not meet strict enough legal standards. AFP

THE HINDU
11 JAN 2000

Cambodia shifts stand on Khmer Rouge trial

By P. S. Suryanarayana

SINGAPORE, JAN. 11. The United Nations on Tuesday indicated its willingness to sustain negotiations with Cambodia over the question of conducting a trial of the surviving leaders of the genocidal Khmer Rouge.

Cambodia, too, on its part, indicated a slight shift in its stand by expressing readiness to invite the U.N. and show it Phnom Penh's latest blueprint for a trial and discuss the Hun Sen administration's intentions. However, its finer details remained unclear.

The latest position was spelt out shortly after the visiting Japanese Prime Minister, Mr. Keizo Obuchi, held talks with his Cambodian counterpart, Mr. Hun Sen, in Phnom Penh today. Prior to these talks, it was widely expected in South East Asian capitals that Mr. Obuchi would urge his Cambodian host to involve the U.N. in some manner in the Khmer Rouge trial. Mr. Hun Sen had earlier said that he would seek Japanese participation in the prosecution of the Khmer Rouge leaders.

The U.N. Secretary General's personal representative in Cambodia, Mr. Lakhan Mehrotra, told this correspondent today that the U.N. would be willing to continue negotiations with the Government over the Khmer Rouge trial issue. Doubts in this connection were sparked by the recent approval of a trial plan by the Cambodian Cabinet. This was the Hun Sen administration's latest plan that had not yet been fully vetted by the U.N. under the terms of an

earlier understanding between the two sides. The Cambodian Cabinet accepted a plan that was still under the final scrutiny of the U.N. in New York.

The crux of the Cambodian plan is the trial of a select group of former leaders of the now-defunct Khmer Rouge by judicial panels made up of a majority of Cambodian judges to be aided in some respects by a few foreign judges. The U.S. is believed to have played a facilitatory role in architecting this plan but Washington and the U.N. are keen that the trial should be held according to international standards of jurisprudence and that the U.N. should have a say over the appointment of the foreign and Cambodian judges for this purpose.

Mr. Mehrotra, who is from India, is scheduled to leave Phnom Penh on Wednesday on the completion of his tenure and the closure of the office that he presided over in the new circumstances of a return of normality to Cambodia. He will now assume charge as the Director at the Jakarta office of the United Nations Transitional Administration in East Timor (UNTAET).

King Norodom Sihanouk of Cambodia conferred on Mr. Mehrotra the highest award that the monarch could give a foreigner, namely the "Royal Order of Sahametrei" for contributions on behalf of the U.N. towards the transformation of the Cambodian political-constitutional scene in the last few years.

THE HINDU

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