

11 February 2002

AI Index ASA 23/001/2002 - News Service Nr. 26

### **Cambodia: Flawed trials in no one's best interests**

*The announcement that the United Nations is pulling out of its cooperation with the Cambodian authorities to bring suspected perpetrators of gross human rights violations from the Khmer Rouge era to justice came as no surprise, Amnesty International said today.*

*“The process as envisaged by the Cambodian authorities fell short of required internationally recognized standards for fair trials, and it is for the UN to ensure that these standards are maintained,” the organization said. “Participating in trial procedures which are not fair would serve only to undermine UN human rights standards, and sell the Cambodian people short.”*

*After protracted negotiations since 1997 the UN and the Cambodian authorities agreed in July 2000 to establish a so-called "mixed tribunal" of Cambodian and international judges, to sit in Cambodia and judge a limited number of prioritised cases.*

*Amnesty International expressed concern at the time that the agreement did not provide full guarantees of independence and impartiality required to ensure that justice be done, and be seen to be done.*

*The Cambodian government drafted a law which was passed by Cambodia's National Assembly and Senate, and was signed by the King of Cambodia in August 2001. The law raised serious concerns about fairness, which the UN detailed to the Cambodian government, but they declined to alter the legislation.*

*“The net result of these years of work is that Cambodian people are still no closer to achieving justice, and that is the real tragedy,” Amnesty International said. “The legacy of the Khmer Rouge era still hangs over Cambodia, and over the judicial system in particular. Impunity for those responsible remains the reality, and the Cambodian government must take responsibility for its own lacklustre legislation.”*

### **Background**

*The extended negotiation process between the UN and the Cambodian authorities to bring to justice those suspected of responsibility grave human rights violations, including crimes against humanity, in Cambodia between 17 April 1975 and 7 January 1979 (the so-called Khmer Rouge period) began with a letter from the Cambodian prime ministers in June 1997, requesting help. The UN’s recommended option, an international tribunal, was rejected by the Cambodian authorities. A series of meetings and letters followed, resulting in an agreement for a way forward in July 2000.*

*However, the Cambodian legislation to enable this agreement to be enacted fell short of the provisions required by the UN, and the Cambodian authorities refused to alter the law. The Cambodian judicial system is weak and subject to political pressures especially in high profile cases. On 8 February 2002, the UN Secretary-General’s Legal Counsel Hans Corell announced that the UN will no longer negotiate on the issue with the Cambodian authorities.*

**\ENDS**

public document

\*\*\*\*\*

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>