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Cambodia: Cambodians deserve international standards of justice

Amnesty International wants to see an end to impunity for the perpetrators of the gravest crimes under international law perpetrated during the Khmer Rouge period of 1975-1979. However, the organization believes that the proposed resolution now before the UN General Assembly's Third Committee regarding the establishment of a criminal tribunal for the prosecution of crimes committed during the Khmer Rouge period of 1975-1979 will not at all achieve this aim.

Amnesty International believes that the draft resolution is compromised as it requires the Secretary-General of the United Nations to resume negotiations on the basis of a legal text which, in Amnesty International's opinion, was fatally flawed. If this resolution is passed it would fail to provide the end to impunity that the Cambodian people deserve.

"We believe that the so-called "mixed tribunal" agreed upon in 2000 comprising a majority of Cambodian judges over international judges, without an international prosecutor, fell short of required internationally recognized standards and did not provide full guarantees of independence, impartiality and credibility required to ensure that justice be done, and be seen to be done," Amnesty International said.

Moreover the Extraordinary Chambers which would be created would only be required to act on international human rights standards that are severely limited in the draft resolution.

The organization believes that participating in trial procedures which are not fair would serve not only to undermine human rights law and standards, but would also be a betrayal of the Cambodian people and their right to know the truth and secure justice.

Amnesty International calls upon the UN General Assembly to ensure that any new resolution for the establishment of the tribunal be based upon new negotiations starting afresh with the Cambodian authorities. There is nothing in the new draft resolution that would address the serious flaws of the previous negotiations which resulted in the withdrawal of United Nations involvement in 2002, which was in Amnesty International's opinion, and the opinion of many Cambodian non-governmental organizations, the correct course of action.

"Cambodians deserve the same high standards of justice as provided in the statute of the newly established International Criminal Court, which Cambodia itself has ratified," Amnesty International stressed.

Cambodia desperately needs to address the problem of impunity which has plagued the country for too many years. Unfair trials are no solution to the terrible suffering of the Cambodian people during this period of history.

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