

Sent By: LEGAL AFFAIRS

05/03/2000 08:27 FAX 202 736 4466

1 212 415 4204 ;  
S/WCI

May-3-00 3:01PM;

Page 3

16083/011

USCIBS NY AND VALUE FAX 002 TO CINCINNATI US EMBASSY

02002

## Transcripts of the visiting U.S. Senator John Kerry Cambodia, April 28-29

### Arrival briefing at the Pochetong Airport

**Senator Kerry:** I'm just trying to get my cars decompressed. Don't push everybody, there's plenty of time. All right, who wants to ask first?

**Chris Fontaine (AP):** Senator, you were here a year ago and managed to broker a fairly significant compromise at the time but here we are a year later and still no tribunal... what role do you think you can play right now?

**Senator Kerry:** First of all, my role is, I am not a negotiator, I am a United States senator with an interest in the issue. But I have had a long time interest in this particular issue and have been able to serve as a sort of catalyst, if you will, in the process. What I hope to do is listen very carefully and make very clear my point of view as a United States senator and a member of the Foreign Relations Committee with a deep interest in the legitimacy of this process. And I will make my view very, very clear to all of the parties that I meet with. My message is very simple. This process has dragged on now for some period of time. It is time for Cambodia to show its good faith and make a decision. There have been good negotiations to date. I think all parties have proceeded down the road relatively effectively, and the proposal that we manage to reach an agreement on a year ago has been very significantly fleshed out by the competent efforts of the ambassador here, Ambassador David Sheffer, and particularly the United Nations Hans Corell, the undersecretary, has negotiated very effectively and there's a very, very narrow gap now that separates the final agreement. It's time for the government to make its clear commitment to the legitimacy of an international process. The United Nations cannot accept and I personally could not go back to my colleagues in the senate and say that a structure that does not allow for adequate international accountability can not be acceptable. And so, the country really has to make a decision. Is it going to join the internationally community of nations in a legitimate and open way or are we going to continue to have great difficulties? And that's really the choice that's on the table. In my judgement they're very, very close. This is not separated by a great deal. I believe that the interests of the international community can be served by this combined international tribunal. I think we could proceed forward. But, again, it would depend on people listening to each other and working hard in the next days to try to see how close people really are.

**Kay Johnson (VOA/DPA):** You're scheduled to meet with Hun Sen. Are you meeting with any other members of his party?

Sent By: LEGAL AFFAIRS

1 212 415 4204 ;

May-3-00 3:02PM;

Page 4

UNCLASSIFIED CONFIDENTIAL

S/NOI

0404/011

UNCLASSIFIED CONFIDENTIAL

US EMBASSY

WUO

Senator Kerry: Yes, I am. I believe I am. I have certainly requested to meet with a number of different people. It was my understanding I would meet with members of his party, with the chief justice, with perhaps the speaker. I will meet with Sam Rainsy, I hope. I mean, I'm hoping to meet with a cross section of parties including NGO'S. And I hope to be able to accomplish that in the next hours.

Reach Sambath (AFP): You said that there is a narrow gap but what is that?

Senator Kerry: The critical issue now is the question of how you resolve a dispute between the co-judges or the co-prosecutors. And that needs to be a balance. A balance between the legitimate sovereignty of the country and the legitimate independence and accountability of the United Nations and international community. You can not have a system that the international community will ratify that does not allow for their ability to be able... to not be sort of... overruled or run over by the structure that is put together. Again we are very, very close. There are a number of options that are on the table and what I hope to do is be able to simply talk through with interested people and use whatever good services I can offer to try to clarify some of those differences and hopefully we can close the door on this. This... You know the United Nations has moved a long way. Originally, they were seeking an independent tribunal completely run by the United Nations. A compromise that I suggested was the notion that we could have a joint tribunal and that could help to strengthen the judicial system of Cambodia itself. My hope is that the structure that has been worked out respects Cambodian judges, respects the magistracy of this country. But at the same time it allows for the participation which gives the international community confidence that the process is going to be legitimate and accountable to international standards. That's a balancing and I think it is an appropriate one. Thank you all very, very much. I'll have more to say after we have the discussions.

Meeting with John Kerry and Sok An  
Residence of Mr. Sok An  
Saturday April 30, 2000

**Sok An:** This morning we have everything we discussed. As you know we're the government task force. We had a meeting with His Excellency Senator John Kerry and we have continued the discussion to implement what senator has agreed to with Samdech Hun Sen, the Prime Minister of the Royal Government yesterday. And I would like to invite His Excellency Senator John Kerry to give you the impressions and the results of the meeting with His Excellency Hun Sen.

**Senator Kerry:** Thank you very much Mr. Sok An. It's been my privilege to meet with Mr. Sok An this morning and also with the members of the task force. We've had a very good meeting further clarifying issues that we raised yesterday at great length with the Prime Minister. Let me emphasize at the beginning of this. I am not a negotiator. I am here as a United States senator who has a deep interest in this issue and in the country and I have been involved for a long period of time in these issues here. I am here with the knowledge and the support of the United Nations and I have specifically been discussing issues with Secretary General Kofi Annan and with Hans Corell who is responsible for the negotiations. Yesterday I was reluctant to say anything substantive about the meeting that we had until I had an opportunity to talk directly to Mr. Hans Corell and to the United Nations through him. And now I have had an opportunity to do that. Mr. Corell has accepted the substance of the discussions yesterday between myself and the Prime Minister, Mr. Sok An, the Ambassador and others. And the United Nations proposal submitted in a letter of 18 April by Secretary General Kofi Annan has been accepted by Prime Minister Hun Sen as the basis of the dispute resolution process. This was the most important sticking point with respect to the two parties, the United Nations and the Government of Cambodia. And yesterday the United Nations, through Mr. Corell, accepted the notion that they will not require a specific agreement or a signed memorandum prior to the National Assembly of the Government of Cambodia having an opportunity, the country of Cambodia, having an opportunity to be able to pass a law empowering this process to take place. The United Nations has thereby respected the sovereignty of Cambodia and the prerogatives of the National Assembly. At the same time the Government of Cambodia has shown its serious intent and purpose to carry out this process by embracing the United Nations proposal for dispute resolution. In addition, the United Nations and the government of Cambodia will exchange letters and those letters will each embrace the obligations and responsibilities that they are both going to undertake. Of course, all of that will be subject to the rights and prerogatives of the National Assembly when they pass the law. The letters will also reference specifically the negotiating process that both Mr. Sok An, on behalf of the Task Force of the government, have engaged in with Undersecretary Mr. Hans Corell on behalf of the United Nations. Finally, they have agreed to, both sides, exert best efforts to complete all the tasks necessary to be able to have a formal agreement by June 15<sup>th</sup>. So that is really the substance of what has been agreed on. In the dispute resolution process I am sure that Mr.

Sent By: LEGAL AFFAIRS;

TEL: 22 100 100 FAX: 22 100 100

SYNDI

US Embassy

008/011

Sok An will make available the text of the letter that sets forth that process but I think if I can just comment that this is a very important step forward by the Government of Cambodia as well as by the United Nations and I congratulate both of them on their significant efforts to date. Mr. Hans Corell, on behalf of the United Nations, has done an outstanding job of negotiating very difficult issues and Mr. Sok An, on behalf of the Government of Cambodia, has similarly done an outstanding job of resolving very big differences that have existed over the last year. This represents a unique opportunity for Cambodia, a unique opportunity for the United Nations, to help build the court structure as well as to hold accountable those people most responsible and for the most serious crimes that were committed during the period of 1975-1979. And, I think this, hopefully, will be the beginning of the last chapter of the process of accountability.

Mr. Sok An: Yes, I think that you have completed the whole idea containing the results of the meeting. (inaudible)

Senator Kerry: Are there any questions?

Question: Can you be more specific about what was contained in UN Secretary's letter dated April 18<sup>th</sup> (inaudible)?

Senator Kerry: Yes, I can. This is a proposal that has been discussed for some period of time. It has been changed a little bit in the last weeks but it essentially establishes within the trial court, outside of the trial court, a separate group of judges, three Cambodian judges and two foreign judges, and they will have the opportunity and responsibility of reviewing any dispute that might occur between the co-prosecutors or the co-judges. There will be a process by which they would actually arbitrate or try to arbitrate that dispute. And, there would be a formal submission of evidence that they have compiled. That evidence would be weighed by the judges, and only if the arbitration were to fail, would there then be a super majority vote that would prevent the indictment from going forward. But this obviously has been a difficult thing to resolve but the Prime Minister decided that other efforts by the United Nations significantly protect and respect the sovereignty of Cambodia in ways that balance between the United Nations interest in having an accountable process and Cambodia's legitimate concerns. I think it is a good balance, personally. I know the United States supports this particular step. I know that obviously the United Nations that proposed it is supportive of it. And, now the Government of Cambodia, likewise, is supportive of it. So, I believe all the parties feel that their concerns have been addressed through this particular mechanism.

Question: Is this the voting procedure that is in the indictment?

Senator Kerry: Correct. It is a variation on that which the United Nations put on with respect to the arbitration.

Sok An: I would like to... The senator referred to the disagreement between the two co-prosecutors... and the disagreement between the two co-investigating judges. This

formula is addressing the disagreement between the two co-prosecutors and the two investigating judges.

Senator Kerry: Good. I agree. Any other questions?

Question: As a last question... Prime Minister Hun Sen said in public on his arrival from Havana on April 17<sup>th</sup> that he had accepted your formula but I think within the last 24 hours he had received a lot of developments especially upon your arrival within a day... and now it seems he backed off from what he said earlier in the day and now (inaudible) Would you comment on these developments?

Senator Kerry: I would not characterize the Prime Minister as backing off. I would not characterize it that way. I think the Prime Minister had legitimate concerns. And those were concerns that were expressed through a number of members of his party and himself with respect of their interpretation, I emphasize, interpretation of my proposal. One of the reasons I came over here was to be able to personally clarify that. And it is my hope that in the process of the discussions the personal clarification managed to satisfy some of the concerns that had been expressed. In addition, the United Nations offered something in addition to my proposal, which is a change. And that is an arbitration process which leads up to an opportunity to avoid having a vote and to work through, hopefully, by consensus without having ultimately a confrontation, and I think that appealed to those people who were concerned about the process. Finally, the Prime Minister had a very real concern, as did others, about the issue of national sovereignty with respect to the relationship of the National Assembly and the signing of an agreement formally before the National Assembly that exercised its prerogatives. And, so, once they realized there was a possibility to clarify the dispute resolution process as well as resolve their concerns about the prerogatives of the National Assembly, I think the Prime Minister felt the dynamics had changed significantly enough that he could, then, be supportive. Likewise, the United Nations felt that by virtue of the Prime Minister's and the party's support for the dispute resolution process, they were prepared to also sign on. And, I think you saw two people come together as a consequence of that clarification. And, that's really why I came here, to try to clarify and not specifically to negotiate. Thank you all very very much. I appreciate it.

Pre-Departure Press Conference with Senator John Keny  
Pochetong Airport  
April 29, 2000

Senator Kerry: First of all, let me emphasize I am not a negotiator. And, I am not specifically a mediator. I'm here as a United States Senator who's the ranking member of the Asia Sub-Committee. And I'm here as somebody who has been deeply involved in this issue as a senator for a long period of time. I had discussions with the United Nations before coming, with Hans Corell and with Kofi Annan. And I had discussions with our State Department. And it appeared that it might be helpful if I could come and follow-up on discussions I had a year ago with the Prime Minister and others to see if we could get clarifications on why we couldn't move forward and where we were in the process. I'm pleased to report that I succeeded in getting the clarifications that I had hoped for and indeed we were able to make very significant progress. Prime Minister Hun Sen has agreed to accept the United Nations proposal which was put forward to him on the 18<sup>th</sup> of April after the discussions that I had had with him in Havana. And the United Nations has agreed, in return, that they will not require an agreement that is signed before the National Assembly acts but that they will reach an understanding between the negotiators which will be referenced in a letter exchanged between the government of Cambodia and the United Nations. And, that letter will also incorporate by reference the negotiating minutes that have taken place between Mr. Sok An and Hans Corell. The National Assembly, that way, will not be prejudiced in any way before hand and will be free to pass a law. Subsequently, the formalized agreement will be entered into. And they will proceed hopefully after short order to build the international tribunal process called the Extraordinary Chambers. In addition, the Prime Minister agreed that all of this should hopefully happen with the best efforts of both parties by the 15<sup>th</sup> of June. And, in my judgement, the dispute resolution agreement which they have now reached is a very significant step forward because it really guarantees both the concerns of the Government of Cambodia about its sovereignty and the concerns of the United Nations about the legitimacy and the accountability of this process. I think those interests have been served and as a result of that I called, as I said I would yesterday, I talked to Hans Corell the chief negotiator for the United Nations. He agreed to the proposal with respect to the delay in the memorandum of understanding and as a result we now have both the United Nations and the government of Cambodia agreeing. I am also very pleased to say that I have met with the Minister of Interior Deputy Prime Minister Sar Kheng. He has agreed that this is a good plan and he supports it. I met with the President of the Senate, Chea Sim. He agrees and feels this is a good plan and should go forward. I met with four representatives of NGO's. They were supportive of this effort. And, finally, I met with Mr. Sam Rainsy and he has agreed that he will support this and he thinks it is an important way to proceed forward. So, as I leave here, I believe that the clarifications that we sought can properly be now conveyed to the United Nations itself. It's their responsibility to negotiate. And Hans Corell has done an outstanding job to date of narrowing the differences, as has Mr. Sok An. And, together, I think they are now in a position in the next few weeks to finalize a tribunal so that the international community

Sent By: LEGAL AFFAIRS;

1 212 415 4204 ;

May-3-00 3:04PM;

Page 9/11

05/03/2000 09:30 FAX 202 738 4495

S/WCI

02/08 00: TUE 01:11 FAX 858 23 216911

US MEMPHIS

40488

and Cambodia can begin the process of dealing with the terrible period of 1975-1979. And we look forward to that.

**Question:** (Sok Poy, Yomhuri Shimbun, VOA-Khmer Broadcast) Can you give us the details about the agreement with the UN and Cambodia?

**Senator Kerry:** The detail of the agreement is that it set forth in the letter from Mr. Kofi Annan to the Government of Cambodia of 18<sup>th</sup> April, and it essentially sets forward a dispute mechanism whereby the parties can come together, have an arbitration. If the arbitration doesn't work, then three Cambodian judges and two foreign judges will have an opportunity to vote, to resolve the dispute, and the vote will be by super majority and it will be a vote not to proceed forward. A vote in the negative, in other words. That was insisted upon by the United Nations negotiators but with the clarification that respected the sovereignty of Cambodia and the National Assembly. The Prime Minister felt that that was a fair compromise and all parties have now accepted it.

**Question:** (Chris Fontaine, AP) Senator, over the past few days there have been discussions about the scope of the tribunal which I believe is covered under article 1 of the draft plan. Some have suggested opening it way up to include a large jurisdiction but there has also been suggestion, prior suggestions to narrow it. To stop the possibility of say a political witch-hunt. Did any of the political leaders within the CPP, did they suggest that the scope of the tribunal should also be narrowed before an agreement could be reached?

**Senator Kerry:** Well, the scope of the tribunal is pretty clear. It is to try those who are most responsible for the serious crimes committed during the period of 1975-79. That's the scope. There's been some discussion about trying to be more precise in defining that. And it was agreed that both Mr. Sok An and Mr. Hans Corell will discuss that and sort of flesh that out in the next days. I don't think there's a lot of disagreement about it. It's not a point of major contention. Let me just tell you from my perspective as a senator that has been interested in trying to help this accountability process to take place, that we all in the international community need to have the larger interest of Cambodia in our minds. And I think that we have to do what is possible and reasonable. I'm not sure that you can have some overly broad effort because I don't know if that's achievable at all just in terms of evidence and process. And I think it might even become particularly divisive in terms of the healing process of the country. I think the first thing to do is start with the first steps. And the first steps are what are defined in the current agreement. And I think everybody should try to make the first steps work before they spend a lot of time worrying about things that aren't yet even close to within reach. So my advice would be let Mr. Corell and Mr. Sok An, if there is anything further to discuss, do so, but essentially I think the fundamental framework is already in place.

**Question:** Chris Fontaine AP: Sir, to quickly follow up, I'm sorry, is to change or not to change article 1 was not part of today's compromise?

mt By: LEGAL AFFAIRS:

1 212 415 4204 ;

May-3-00 3:04PM;

Page 10/11

4/219/011

Senator Kerry: Certainly not in my scope of responsibility. That's really a negotiating issue. And I think Mr. Corall and Mr. Sok An, if there is any further discussion, will do it. We had some discussion about it. But there was no great expression of interest by any person that there needs to be a lot of work done on that based on where it is currently at. It may be that in the final moments there'll be some further defining of it. But it's not a central point of contention right now; therefore, we did not spend a great deal of time on it.

Question: Kay Johnson VOA/DPA: Just to clarify about what's been achieved, is it fair to say all obstacles have been taken away towards an agreement or there still roadblocks to come?

Senator Kerry: My judgement, my personal judgement is, that there are always in any effort to finalize something, minor wrinkles that arise at the last moment and you have to kind of bang them out. Are there major obstacles? The answer is no. The Prime Minister and the United Nations have made it clear most of the difficult issues have now been resolved. This was the final major sticking point. And I believe according to the Prime Minister and according to Mr. Sok An and according to Hans Corall they believe that they can move to finalize this in the next weeks which is why parties were willing to say that they will make best efforts to complete this task by June 15<sup>th</sup>.

Question (Kay Johnson VOA/DPA): And you said there will be a letter of intent that will come before...

Senator Kerry: There will be an exchange of letters at the appropriate time between the United Nations and the government of Cambodia when they've sat the two teams down in the next few days or weeks and finalized all aspects of it. But the fundamental sticking point is now resolved and I'm quite confident that they have the ability to get to a point of implementation and most importantly to have the National Assembly exercise its prerogatives and pass a law that empowers this to happen. One final question...I need to raise this up.

Question: (Seth Meixner Cambodia Daily) How comfortable are you that this agreement will remain intact in the National Assembly?

Senator Kerry: Well, if the National Assembly does not pass an agreement that is in keeping with the negotiating mandates that are incorporated in the letters by agreement of reference, the United Nations, I am confident will not be able to participate. So it is entirely imperative that there be some adherence to the framework. Now out of respect to the National Assembly, the United Nations has stepped back from requiring a formal agreement in order to give the assembly its prerogative. But clearly the assembly needs to honor the negotiating process which Mr. Sok An and Mr. Corall had been involved in. To not do that would be a setback of gigantic proportions.

Question: (Fuy Kaa, Kyodo News Service) Regarding the UN proposal dated April 18<sup>th</sup> is it the same one as initiated by you?





THE SECRETARY-GENERAL

23 June 1997

Dear Mr. President,

I attach a letter which I have received from the two Prime Ministers of the Royal Government of Cambodia in which they "ask for the assistance of the United Nations and the international community in bringing to justice those persons responsible for the genocide and crimes against humanity during the rule of the Khmer Rouge from 1975 to 1979".

The facts which gave rise to the request remain unclear. The Office of my Representative in Cambodia is presently seeking to clarify the situation, while the Secretariat is examining the legal and institutional issues involved. The letter is brought to your attention for any action which may be deemed appropriate.

Please accept, Mr. President, the assurances of my highest consideration.

A handwritten signature in dark ink, appearing to read "K. Annan", is located below the main body of the letter.

Kofi A. Annan

His Excellency  
Mr. Sergey V. Lavrov  
President of the Security Council  
New York



ព្រះរាជាណាចក្រកម្ពុជា  
Kingdom of Cambodia

រាជរដ្ឋាភិបាលកម្ពុជា  
Royal Government of Cambodia

ព្រះបរមនរោត្តម  
Nation Religion King

PHF 022

2/2

Phnom Penh, June 24, 1997

Mr. Kofi Annan  
Secretary-General  
United Nations  
New York, USA

Dear Mr. Secretary-General,

On behalf of the Cambodian government and people, we write to you to ask for the assistance of the United Nations and the international community in bringing to justice those persons responsible for the genocide and crimes against humanity during the rule of the Khmer Rouge from 1975 to 1979.

The April 1997 resolution on Cambodia of the United Nations Commission on Human Rights requests:

" the Secretary-General, through his Special Representative, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability."

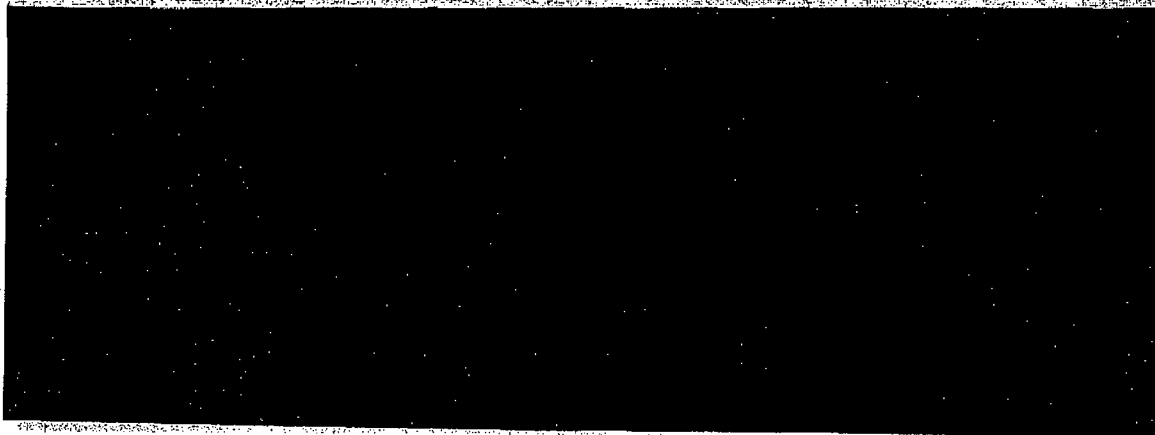
Cambodia does not have the resources or expertise to conduct this very important procedure. Thus, we believe it is necessary to ask for the assistance of the United Nations. We are aware of similar efforts to respond to the genocide and crimes against humanity in Rwanda and the former Yugoslavia, and ask that similar assistance be given to Cambodia.

We believe that crimes of this magnitude are of concern to all persons in the world, as they greatly diminish respect for the most basic human right, the right to life. We hope that the United Nations and international community can assist the Cambodian people in establishing the truth about this period and bringing those responsible to justice. Only in this way can this tragedy be brought to a full and final conclusion.

Please, Mr. Secretary-General, accept the assurances of our highest consideration.

Prince Norodom Ranariddh  
First Prime Minister

Hun Sen  
Second Prime Minister



The Vancouver Star

June 24, 1991 A11

# WORLD NEWS

## International Prosecution of Pol Pot May Depend on Local Politics

By William Bradford Huie, Vancouver, June 24

PHNOM PENH, Cambodia, June 24 — While the United States and other countries have begun discussing the extradition and trial of Pol Pot on genocide charges, the killing of thousands of Cambodians in the Khmer Rouge regime is still being held by a handful of Pol Pot's followers who have taken refuge in Thailand, Laos and Vietnam.

Pol Pot's last custody trial in Cambodia, the country's last trial, was held in 1979. He was found guilty of genocide and sentenced to life in prison. He was released in 1983 and fled to Thailand. He was captured in 1990 and is now being held in a prison in Phnom Penh.

The prosecution of Pol Pot is a complex issue that involves international law, local politics, and the interests of various groups in Cambodia. The trial is expected to be a landmark event in the country's history.

The prosecution of Pol Pot is a complex issue that involves international law, local politics, and the interests of various groups in Cambodia. The trial is expected to be a landmark event in the country's history.

Pol Pot's last custody trial in Cambodia, the country's last trial, was held in 1979. He was found guilty of genocide and sentenced to life in prison. He was released in 1983 and fled to Thailand. He was captured in 1990 and is now being held in a prison in Phnom Penh.

The prosecution of Pol Pot is a complex issue that involves international law, local politics, and the interests of various groups in Cambodia. The trial is expected to be a landmark event in the country's history.

Pol Pot's last custody trial in Cambodia, the country's last trial, was held in 1979. He was found guilty of genocide and sentenced to life in prison. He was released in 1983 and fled to Thailand. He was captured in 1990 and is now being held in a prison in Phnom Penh.

The prosecution of Pol Pot is a complex issue that involves international law, local politics, and the interests of various groups in Cambodia. The trial is expected to be a landmark event in the country's history.

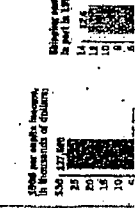
The prosecution of Pol Pot is a complex issue that involves international law, local politics, and the interests of various groups in Cambodia. The trial is expected to be a landmark event in the country's history.

### SHANGHAI RISING

With Hong Kong reverting to Chinese rule in just over a week, Chinese leaders are no longer willing to rely on that territory as their window to the world. Instead, they are focusing attention on encouraging other cities to play a larger role in China's economic development. Shanghai and Hong Kong are likely to intensify, but no Chinese city can compete with Shanghai's rapid growth and frantic construction boom.

Shanghai is a major city in China, and its economic growth has been rapid. The city is a hub for trade and industry, and its population is growing. The city is also a major center for finance and services. The city is expected to continue to grow and play a major role in China's economy.

Shanghai is a major city in China, and its economic growth has been rapid. The city is a hub for trade and industry, and its population is growing. The city is also a major center for finance and services. The city is expected to continue to grow and play a major role in China's economy.



Shanghai is a major city in China, and its economic growth has been rapid. The city is a hub for trade and industry, and its population is growing. The city is also a major center for finance and services. The city is expected to continue to grow and play a major role in China's economy.

## One China, 2 Cities: Shanghai Seeks No. 1

Hong Kong Has Booming Rival on the Yangtze



SHANGHAI—A business chief up from the red earth in People's Square symbolizes the ambition of this Chinese metropolis.

Shanghai is a major city in China, and its economic growth has been rapid. The city is a hub for trade and industry, and its population is growing. The city is also a major center for finance and services. The city is expected to continue to grow and play a major role in China's economy.

Monday, 31 Jan 2001 The Cambodia Daily

## Prince Gripes About UN's Quiet on Trial Plan

THE ASSOCIATED PRESS

National Assembly President Prince Norodom Ranariddh expressed frustration Saturday with what he said was the UN's prolonged silence on the latest government plan to judge Khmer Rouge leaders.

Prince Ranariddh told reporters that negotiations with the UN for a jointly administered tribunal remained stalled since each side invited the other to resume face-to-face talks.

"They failed to respond to us," Ranariddh said of Prime Minister Hun Sen's call for a new round of talks in Phnom Penh. "What can we do? Whether they are pleased or not with the draft, they should make their opinion known."

Cambodia craves the legitimacy UN involvement would bring to a tribunal, but the government has so far balked at UN demands

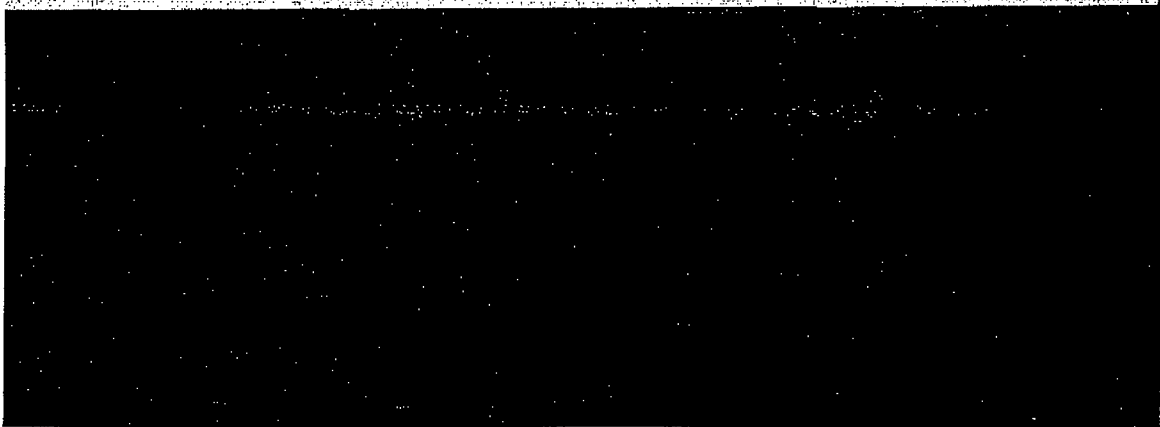


Prince Ranariddh

for more control over indictments and the selection of judges.

The UN says the current plan is unacceptable because it leaves a court open to manipulation by political leadership. Critics fear that

several defectors will escape justice if a tribunal is left in the hands of an underdeveloped judiciary that has close links with Hun Sen's ruling party.



# The CAMBODIA DAILY

Volume 17 Issue 30

Friday, January 28, 2000

## All Cambodians At Fault, Former KR Say

### Scholars Discuss Reconciliation With Ex-Guerrillas

BY KELLY MCEEVERS  
AND SAING SOENTHRITH  
THE CAMBODIA DAILY

**SATTANGRANG TOWN**—For the first time ever, former operatives in the Khmer Rouge movement on Thursday faced those who suffered under the regime that resulted in more than 1 million

deaths from 1975-78.

At a public forum organized by the Center for Social Development titled "National Reconciliation and the Khmer Rouge," a handful of former guerrilla soldiers and intellectuals sat down with teachers, monks, students and NGO workers to hear concerns and defend their role in Pol Pot's brutal regime.

Many of the former rebels present came from surrounding areas held by the Khmer Rouge until just a few years ago, when

they integrated with the government. Among them was Long Narin, who served in the Foreign Ministry of Democratic Kampuchea under Ieng Sary, alleged to be Pol Pot's No. 3.

"They ask who is responsible for these crimes? We all are responsible. All Cambodian people," Long Narin said. "Am I responsible? Yes, I, too am responsible...I have family members who will not speak to me because I am in the Khmer Rouge...But if

*Continued on page 2*

## KR...

CONTINUED FROM PAGE ONE

I am called to a trial, I will go. I will go and defend myself."

Most other former rebels, however, were not so quick to accept responsibility. In a series of interviews before and after the forum, those present seemed much more likely to place blame on Pol Pot, who died in 1998, and his former bodyguard, Ta Mok, who currently is incarcerated and likely will face a trial.

And at least one, Suong Sikoeun, who serves as the spokesman for Ieng Sary's new party, echoed the Khmer Rouge's characteristic xenophobic rhetoric by renouncing foreign intervention in Cambodia's problems.

"Who can help Khmers for reconciliation? The foreigners, they cannot... If someone forces a trial that is not in good faith, because we are Khmer and we must establish democracy, Khmer-style. Europeans don't understand about democracy, Khmer-style... Let us forgive and forget."

Despite the differences of opinion, the four-hour forum rarely grew heated or emotional, as

those who once considered themselves enemies sat side by side. Even though the group, which numbered roughly 100, was nearly split down the middle over whether one-time Khmer Rouge leaders should be tried, former rebels said they were happy to meet their friends "from long ago."

Participants found the line is not always so clearly drawn between the victims and the accused.

Referring to a number of former rebels who said they, too, lost family members during the four-year period, the director of the Center for Social Development said the past is "blurred."

"This is not a cut-and-dried process," said Chea Vannath, who before the forum spoke with Ieng Sary, who eventually urged

his colleagues to attend.

"This process is so much missed in Cambodia," she added. "Usually it's just the leaders and the experts who sit and write the policies, but not the people who express themselves freely."

One woman who lost her father and her only son during the radical agrarian movement's years of toil, starvation and alleged murders said she has "suffered too much" and does not want to take revenge with a trial.

Another said the government has completed its draft law to establish a trial, but still unclear is whether the UN will be involved in the trial or at what level.

One local resident said no trial without the UN would be good enough.

"I want to see peace. But I want to see peace with justice," said

Pok Linda, who works for a women's NGO here.

The converging opinions underscored a growing conflict among officials, NGOs and experts over how Cambodian people want to resolve the Khmer Rouge issue. As far as the Khmer Rouge are concerned, the book was closed when they defected to the government in 1998.

"Please check our documents [from the integration agreement]," former rebel Suong Sikoeun said, hinting the Khmer Rouge were assured by the government they would not be tried. "We have peace; we follow the government's policy. What more do we need?"

Recent surveys, however, conclude that at least some Cambodians hunger for an international-style trial because they don't believe their government could conduct a fair and unbiased proceeding.

The conflicts stress the need for more projects like Thursday's, said Chea Vannath.

"It is my hope that the government, the National Assembly and NGOs will have more of these. This is just a drop of water in the ocean."

### Hun Sen Welcomes Japanese to be Part of KR Trial

Several top Cambodian officials have recommended the director of the Japan Institute of International Affairs to be one of the judges for a trial of former Khmer Rouge leaders, the Japanese newspaper The Yomiuri Shimbun reported. But Prime Minister Hun Sen said although Hisashi Owada is qualified, he is related to the Imperial family and therefore, should not be a judge. Owada, a former envoy to the UN, is the father of Japanese Crown Princess Masako. Hun Sen did tell Yomiuri Shimbun that he welcomed Japanese prosecutors and judges to be part of the Khmer Rouge trial.

4/18

# The CAMBODIA DAILY

1200-44

Friday, January 7, 2000

Page 10

## Cabinet Passes Tribunal Law

### UN, NGOs Critical As MPs Prepare to Debate KR Draft

By Lok Chhanna and Kelly McEvoy

The government's most powerful body on Thursday passed a much-amended draft law on how to try co-defendants, leaders of the Khmer Rouge, despite harsh criticism by local human rights groups that the law does not go far enough to ensure the court will be independent of political influences.

The UN also has made it clear it still has serious concerns about the draft. It wants to see a judicial body that will support the proposed tribunal, the Associated Press reported.

Minister of Cabinet Sok An, however, said the government would forward the draft to the National Assembly as early as next week.

While saying the government could not wait for the UN, he conceded great strides have been made, even at the last minute during Thursday's Council of Ministers meeting in being the law of international standards.

"This law, I hope, pretty satisfies the UN and international lawyers because it was made very thoroughly to be in confor-

## Law...

continued from page one  
one Cambodia, where all decisions to indict suspects would have to be mutual.  
Despite the air of compromise at cabinet chambers on Thursday afternoon, a consortium of 17 legal and human rights groups late Wednesday released an attack on the government draft law alleging some elements of the plan still are too vague.

Although the government plan would allow for UN consultation when it appoints Cambodian judges to the court, the statement said the UN should appoint all judges.

"Cambodia has a history of politically influence judicial appointments... UN-controlled appointment for all key tribunal posts, whether foreign or Cambodian, is essential," the statement read.

It also noted that not enough provisions were included in the draft to protect the rights of the accused.

The draft law should be very clear that suspects have the right to counsel free of charge, and this

includes foreign counsel," said Sok Sam Oun, executive director of the Cambodian Disarmament Project, one of the statement's signatories.

In earlier versions of the government draft, this provision was made about suspect rights. But the current version suspends the protection of suspects and their right to counsel.

Since the government began deliberations with the UN over whether to hold a national or

## Tribunal Draft

By Ker Murray

Hours before the cabinet on Thursday passed the government's plan to try former Khmer Rouge leaders, UN counsel Hans Corell warned Cambodia's UN ambassador that requirements for Cambodian and foreign judges "would lead to paralysis."

Minister of Cabinet Sok An suggested to reporters after Thursday's meeting that the UN's legitimate concerns were not inserted into the proposals because they arrived by fax only toward the end of the meeting.

international trial of one-time Khmer Rouge leaders, officials have maintained that Cambodia must hold a majority on the trial.

According to the current plan, the primary court would employ three Cambodian judges and two foreign judges. While the government first sought funding from the UN for the entire process, it since has backed out and now pledges to pay for Cambodian judges from the national budget.

## Still Has Problems, UN Says

Foreign judges.

The UN comments, obtained by The Associated Press, showed that the organization still wants substantial changes to the Cambodian plan. The best chance to add them would be in public comment.

Among the changes the UN wants:

- Unhindered power for UN Secretary-General Kofi Annan to select foreign judges to sit alongside Cambodian judges, plus right to approve the government's nominations for Cambodian judges. Under the government's plan, Cambodia would approve Annan's nominations for

mediation, Sok An said.

One analyst on Thursday expressed relief that the long-awaited trial might soon be under way.

"It's important that Cambodia really make a statement that they will move ahead on this trial," said Xao Kim Houn, executive director of the Cambodian Institute for Cooperation and Peace.

"At the same time, we should not be excluding anyone who may have an important role to play."

Corell invited Cambodia to send a delegation to the UN to continue negotiations. Sok An suggested a meeting was unlikely, but invited Cambodia to not completely shut the door.

"We're not saying it's too late, but we have taken into consideration the UN position through mediation," Sok An said.

10/12

# The CAMBODIA DAILY

Issue 26

Monday, January 24, 2000

## Rural Cambodians Speak of Need for UN

### Emotions in Provinces Run High on Prospect of KR Trial

BY SAING SOENTHRITH AND DINAH GARDNER  
THE CAMBODIA DAILY

KOMPONG SPEU TOWN - Tears rolled down Kann Sunthara's face recently as she recounted her experiences under the Khmer Rouge.

In a quiet meeting room surrounded by her colleagues at Lycee Kompong Speu, the 48-year-old teacher remembered how her brother, an engineer, was ordered to Phnom Penh in 1978, was sent to the notorious Tuol Sleng prison and then executed. A year later, her husband was killed by the Khmer Rouge. Out of a family numbering 12 in 1975, only four survived.

Kann Sunthara finds some satisfaction in the prospect of a trial of former Khmer Rouge leaders, but like the majority of people

questioned earlier this month

by The Cambodia Daily, she wants the UN to take control because, "I really don't trust Cambodian judges to give a fair trial."

The comments come as the UN and Cambodian government continue to wrestle over control of the planned trial. In an informal, non-scientific survey conducted Jan 12-13, a total of 24 Cambodians from Kompong Speu, Kompong Chhnang and Pursat provinces offered their thoughts on the trial—who should take control, who should be prosecuted and what the trial meant to them. Some of the findings:

- A third of the respondents said this was the first time they had heard of the trial.
- A majority lacked faith in a Cambodian court and wanted a UN-controlled trial with Cambodian involvement.
- Most couldn't name leaders they thought should be prosecuted.
- When prompted, most wanted high-profile leaders such as Ieng Sary, Khieu Samphan and Nuon Chea to be prosecuted.
- A third wanted lower-echelon leaders, such as district and commune chiefs, to be tried.
- Almost half said they would be willing to give evidence at the trial.
- Almost two-thirds of respondents voiced reser-



Soing Soenthrith/The Cambodia Daily  
Ouk Roum, 38, (above) at home in the Kompong Chhnang province's Barber district with several of her children and Sok Non, 51, (left) of Rolea Boeier district in Kompong Chhnang province, were two of the Cambodians who discussed their views of the planned Khmer Rouge tribunal.



versations about the government's ability to handle the trial.

Lack of trust in the government and corruption allegations were the main reasons given that the trial would not be fair if controlled by the government.

Seventeen people hoped the UN would hold the reins, and the government would take a supporting role. Four of those surveyed wanted the UN to take total control, but most preferred the government to cooperate with the international community provided that the majority of power stay with the UN.

Srey Chhay, a 53-year-old farmer in Kompong Chhnang province, typified the majority of responses saying: "To my knowledge, the international court and the government court should cooperate—but I feel that the UN can deliver the real justice."

Pen Mea, a 74-year-old monk living in Wat Chombak, Pei Pon in Kompong Speu, was reluctant to comment on the trial, saying it was not his place to discuss the issue. But his parting words were: "Maybe the UN should take control. Yes, this would be better."

Continued on page 2

31-JAN-00 MON 15:01

U N CONGR

FAX NO. 855 23 726030

12/12

## Rural...

CONTINUED FROM PAGE ONE

Only three of those interviewed wanted the trial to be controlled locally.

"It is up to the government, because they have begun to arrest the leaders. I trust the government," said Chea Yim, a 57-year-old farmer in Kompong Spea province.

About a third of the interviewees had not yet heard about the upcoming trial. These were mostly from rural areas; they owned neither a radio nor TV and could not read or write.

For those 16 respondents who had heard of the trial—all of them via newspapers, radio or TV—most were unsure of the details and the role of the UN. A few described themselves as "simple" people, with no understanding of politics, initially deferring all decisions to the government.

When asked to name leaders they thought should be prosecuted, most couldn't remember names. They recalled only hearing the word "Angkar"—the term for the higher organization—during the regime.

Soun Ry, a 36-year-old waitress in a Kampong Chhnang restaurant, said: "I don't remember any names. I only remember they killed my parents, my sister and my brother."

When it came to who should face prosecution, most respondents agreed that the regime's most prominent leaders should be put on trial such as Ta Mok, who was arrested last year, former deputy prime minister of the Khmer Rouge, Ieng Sary, Nuon Chea, the movement's political ideologue, Khieu Samphan, its nominal leader, and even the deceased Pol Pot.

A smaller number, about a third, also wanted lower level commanders and chiefs to be prosecuted. But many thought that subordinate leaders were merely taking orders from above and as such were not guilty.

Others said that it would be pointless to trace district and commune chiefs because they believe that most of them died after the Vietnamese invasion in revenge attacks.

Oun Roam, a 55-year-old noodle vendor in Pursat province disagreed: "In my commune, the chiefs' hands are stained with

blood. They must be tried."

A few could name their commune and district chiefs from 20 years ago, but none knew where they were now.

Only three interviewees were worried by reports that trying the high-profile leaders would cause civil unrest in Cambodia.

Prime Minister Hun Sen, Ieng Sary and Y Chhien, the governor of the former Khmer Rouge stronghold of Pailin, all have warned at different times of possible conflict if top leaders are brought to trial.

Those who thought fighting would ensue put their trust in the government to quash any violence, believing that the Khmer Rouge no longer wields substantial power.

Whether they believed in the government or the UN, the response was unanimous: everyone remembered the suffering and general misery of 1975-79 and were looking forward to the trial.

Sok Non, a 51-year-old farmer in Kompong Chhnang province who said he lost all his brothers and sisters to the regime said: "I want the trial. In this way, I can find peace. If we do not try the Khmer Rouge, it means they are

still alive."

Ten respondents, including three from Pursat province, were willing to go to Phnom Penh and give evidence at the trial.

Soun Ry said she hopes that she gets the opportunity to attend the trial. "I want to see the Khmer Rouge leaders face to face," she explained.

Now 21 years since the regime was ousted from Phnom Penh by the Vietnamese, another feeling apparent from the survey was that the trial was long overdue.

"I can talk about the Khmer Rouge for three days and still not have said all I have to say," said Era Sopheap, a 49-year-old taxi driver and resident of Pursat town. "I am waiting every day to hear about this trial."

Whether the trial will help to heal all the wounds is debatable.

Fernhand Phal Heig, 47, who survived as her seven brothers and sisters were murdered by the Khmer Rouge and her parents slowly wasted away from overwork and malnutrition, is happy that there might be a trial at last, but for her it is not enough. "My suffering is still in my heart," she said. "And a trial won't stop that."



5/12

The Nation Fri Jan 7, 2000

# Human rights groups blast govt's Khmer Rouge trial plans

PHNOM PENH - A coalition of 11 Cambodian human rights groups has today urged the government to drop its plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

The coalition, known as the "Cambodian Human Rights and Development Association" (CHADEA), said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

The coalition, known as the "Cambodian Human Rights and Development Association" (CHADEA), said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

The coalition, known as the "Cambodian Human Rights and Development Association" (CHADEA), said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

United States. But some diplomats at the United Nations were "flummoxed" by the Cambodian judges' effectiveness and the power to acquit.

The UN has in the past said it will only back a trial if it is held in Cambodia. Human rights groups would include the UN, the US, the UK, France, Germany, Italy, Japan, South Korea, and others.

Several senior judges are being flown to Phnom Penh from the US, UK, and other countries. They are to be part of a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

to an Iranian, Vietnamese, and other national judges. The judges are to be part of a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

The coalition, known as the "Cambodian Human Rights and Development Association" (CHADEA), said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

by hundreds of judges appointed by the UN. The judges are to be part of a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

The coalition, known as the "Cambodian Human Rights and Development Association" (CHADEA), said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

There are additional concerns, the coalition said. It will be held in Phnom Penh, the capital, and the trial will be held in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

The coalition, known as the "Cambodian Human Rights and Development Association" (CHADEA), said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

CHADEA said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

The coalition, known as the "Cambodian Human Rights and Development Association" (CHADEA), said the plan to try Khmer Rouge leaders in a "national court" under a law drafted by the government last week, for a locally based "international style" tribunal, they say.

CC: RR, AL, KG, SB, HPH

6/

2/12

international

CAMBODIA / OUCHI VISIT Bangkok Post Wed Jan 12, 2000

# Hun Sen hints at greater UN role

## Willing to discuss allowing increased foreign involvement

**Phnom Penh, AP**  
 Cambodia showed new flexibility yesterday toward a plan to by Prime Hun Sen that UN experts could be invited to discuss a contentious draft peacekeeping agreement over the border with Thailand.

Mr. Ouch, who told UN experts about the draft and hear more about Cambodia's views, said that after the meeting, Hun Sen also proposed allowing UN experts to be invited to discuss the draft and hear more about Cambodia's views, said Hun Sen after the meeting.



PHNOM PENH, AP

last to blocking a national plan unless it can be assured the proceedings in Cambodia's courts and political arena meet international standards of justice.

Mr. Ouch said that the co-investigating magistrates should be added to the draft of Friday's cabinet meeting, but that as far as the government was concerned, the plan was in "the last stage."

Mr. Ouch has not ruled out sending a Cambodian delegation to the United Nations to discuss the draft peacekeeping agreement, but he did stress during the National Assembly that the government would quickly consider and make a law.

Mr. Ouch said that the government would quickly consider and make a law.

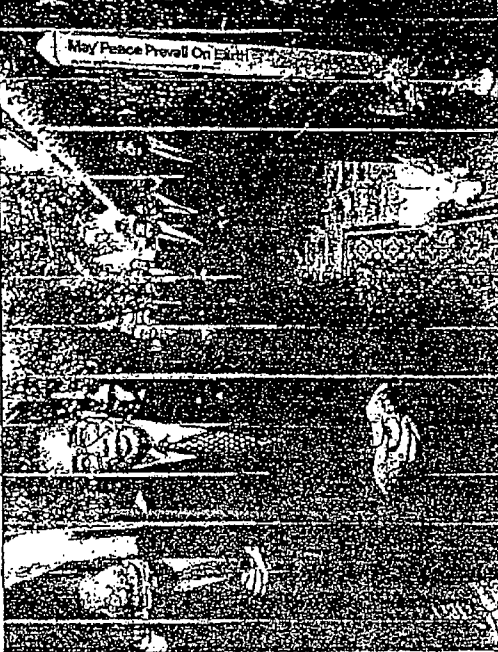
Mr. Ouch said that the government would quickly consider and make a law.

Mr. Ouch said that the government would quickly consider and make a law.

The flexibility and offer of co-investigating magistrates was seen as a concession to Mr. Ouch, who had been urged to press Cambodia's case for the National Assembly to consider the draft peacekeeping agreement.

There was no indication that Mr. Ouch and Hun Sen had discussed the main points of contention between the United Nations and Cambodia — who will appoint the judges and prosecutors and whether the Cambodians will effectively be able to control the bodies.

Mr. Ouch said that the government would quickly consider and make a law.



Japanese Prime Minister Eisaku Ohsumi is to visit Phnom Penh after visiting Hanoi as a reward for Japanese support in the 1970s. Mr. Ouch said that the government would quickly consider and make a law.

Mr. Ouch said that the government would quickly consider and make a law.

CC: RR, AL, KG, SD, HA

7/9

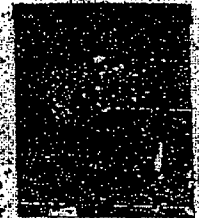
P. 7  
7/12  
TIME N

Wednesday, January 12, 2000

*The Nation*

regional

# Japan urges deal with UN on KR trial



Agence France-Press

**PHNOM PENH**—Japan has urged Cambodia to take further steps to reach a compromise with the United Nations on a genocide tribunal for Khmer Rouge leaders.

Nearly a year of wrangling over a tribunal to judge senior members of the Khmer Rouge for the deaths of 1.7 million Cambodians in the late 1970s—appears to be in its final stages, said Sadaaki Numata, spokesman for Prime Minister Keisei Obuchi, who is now visiting Cambodia.

If an agreement can be reached for a trial with "appropriate support by the international community," Japan would like to contribute a judge to the proceedings, Numata said late on Monday.

"There should be further efforts to reach an agreement with the United Nations."

Cambodian Prime Minister Hun Sen hinted earlier on Monday that a compromise could be forthcoming, saying he had "a gift" for Obuchi concerning the tribunal.

That gift is apparently a new negotiating position that accommodates several of the UN concerns over Cambodia's trial plan, which so far calls for limited international participation in a Cambodian-dominated court.

Diplomats say Cambodia is expected within the next few days to forward its new position to the United Nations along with an invitation for face-to-face negotiations in Phnom Penh.

The United Nations wants foreign jurists to have more independence from Cambodia's notoriously corrupt and politicized court system.

UN legal experts specifically have called

for a UN-appointed 40-prosecutor to be able to make indictments independent from his Cambodian counterpart.

Under Cambodia's plan, both prosecutors would make joint indictments, giving each an effective veto power.

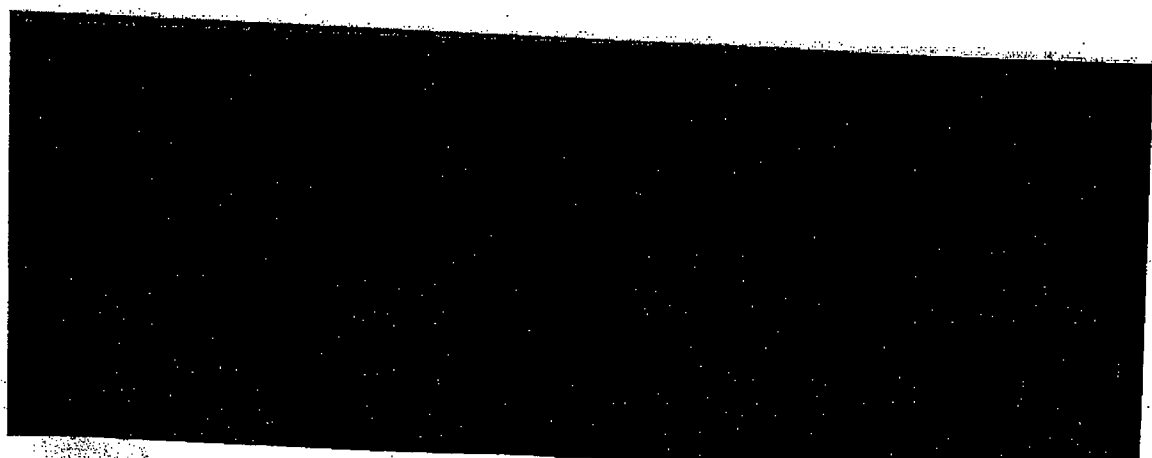
They also want UN Secretary-General Kofi Annan to have unlimited power to appoint foreign judges and the right to approve Cambodian judges.

Obuchi also pledged to continue Japan's efforts to help war-torn Cambodia achieve a new era of peace and prosperity.

Speaking at a monument dedicated to a Japanese UN volunteer killed by Cambodian guerrillas during a UN-run election in 1993, Obuchi said the two countries have forged a special relationship over the past decade.

HUN SEN

CC:RR,AL,KG,SD,HA



CPH 092

6/16

By P.\*P

Translation from Koh Santepheap (Island of Peace)  
news on 2 September 1999 (Pro-CPP)

**[WE WILL KNOW] HOW KR LEADERS WILL BE TRIED WHEN  
P.M IS IN NEW YORK**

In a Press Conference on 31 August 1999, at the Sunway Hotel, the leader of a UN negotiating team said that the negotiations with the royal government [of Cambodia] were crucial and took place intimately although there remained a divergence concerning the judicial structure.

But the UN representative said that all divergent points would be further discussed, especially during the attendance of Prime Minister Hun Sen in the UN General Assembly.

It's like what Mr. Sok An, Chief of the Working Group of RGC, has recently said that the controversial points were the structure and the composition of the tribunal.

With regard to the establishment of a tribunal for KR leaders which the group of Mr. Sam Rainsy supports the UN position but the Government rejects, Mr. Sam Rainsy has requested the President of the National Assembly to invite the Prime Minister to show up at the National Assembly to explain the matter, [As far as we remember], Prime Minister Hun Sen already declared the position of the royal government on the issue on 17 August 1999.

Mr. Sam Rainsy has expressed his reaction after meeting with the UN delegation and strongly criticized the royal government for its decision to prosecute KR leaders with the majority of Cambodian judges.

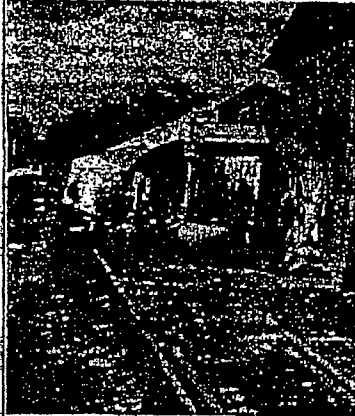
# CAMBODGE SOIR



MERCREDI 1<sup>er</sup> - JEUDI 2 SEPTEMBRE 1998

N° 836 - 1500 rfi/s

## Le PAM rénove des voies ferrées



Chhoy Phol / Archives

Les Chemins de fer royaux ont amorcé lundi prochain un projet de réhabilitation de huit kilomètres de voies ferrées. Financé par le Programme alimentaire mondial (PAM), l'Agence onusienne a déboursé 48 000 dollars pour ramener en état les six premiers kilomètres sur la ligne Phnom Penh - Battambang, ainsi que les trois voies bifurquant à ce point jusqu'aux entrepôts où elle stocke du riz. 30 000 dollars seront consacrés à la voie principale, 6 000 à cette jonction et le reste à l'aménagement du passage à niveau, détaille Prom Sakun, un des responsables des aménagements aux Chemins de fer.

Les travaux devraient être achevés fin novembre mais, d'ores et déjà, les autorités savent qu'elles pourraient se heurter au retard car elles ont mille à parier avec les familles qui se sont installées le long des rails. Pour la plupart, il s'agit de réfugiés rapatriés au début des années 90. "Nous pouvons bien sûr réaliser ce projet malgré de grand nombre de squatters mais nous allons demander l'aide des autorités locales pour les déloger", reprend Prom Sakun, espérant qu'en décembre le PAM pourra alors même transporter ses marchandises jusqu'à ses entrepôts.

Pheng Pha

## Procès des Khmers rouges

### Pas de participation onusienne sans respect de ses conditions

Dans l'entourage de la mission des Nations unies, on avait prévu : les véritables négociations commencent après le départ des experts onusiens. Jeudi, à la veille de leur départ, Ralph Zacklin, chef de la délégation, indiquait dans une conférence de presse que les positions des deux parties étaient trop éloignées, mais que l'Onu ne transigerait pas sur la composition d'un tribunal "mixte", et que les pourparlers se poursuivraient au plus haut niveau - entre Kofi Annan et Hun Sen - lors de la prochaine visite de ce dernier à New York.

"Il y a actuellement une très large divergence sur la nature même du tribunal dont il est question", a déclaré l'assistant du secrétaire général des Nations unies pour les affaires juridiques. Le projet de l'Onu, qui prévoit une majorité de juges, un procureur en chef et une équipe d'assistants et d'enquêteurs étrangers désignés par Kofi Annan, se sera donc heurté au plan gouvernemental qui insiste en particulier pour que la majorité des juges soient cambodgiens.

Et Ralph Zacklin - s'il reconnaît que cette semaine de travail aura au moins permis de préciser la position de chacun - d'avertir posément : "Si le

gouvernement est incapable de répondre aux conditions de l'Onu, l'Onu cessera tout simplement de s'impliquer à ce processus." Il a répété que les "Nations unies étaient prêtes à débloquer une assistance. Mais seulement si les critères internationaux de justice sont respectés".

Bien sûr, et il l'a dit, le gouvernement peut procéder seul, sans doute avec l'aide de quelques pays ou organisations. Mais alors, l'Onu s'en lavera totalement les mains et n'engagera pas un sou dans le procès. Or pour lui, "seule l'Onu peut apporter la légitimité [à un procès]" en garantissant qu'il n'y aura "aucune place pour des décisions arbitraires des juges ou du procureur", que la cour pourra agir "en toute indépendance et intégrité" et que "standards internationaux de justice les plus élevés" seront réunis.

Chaque jour, les tribunaux du pays montrent leur partialité ou leur impuissance. Beaucoup de défenseurs des droits de l'Homme dénoncent régulièrement la "culture d'impunité" qui règne dans le royaume. Par ailleurs, un juriste européen estime que les juges, avocats et procureurs cambodgiens sont trop souvent incompetents. Mais d'autres observateurs no-

tent aussi les contradictions des Nations unies, rappelant qu'au début des années 80, c'est l'Onu qui avait le plus souvent même tribunaux et les avait déclarés "compétents".

Cependant, le Britannique Ralph Zacklin a dit "espérer que lors de la rencontre entre Hun Sen et Kofi Annan, la position du gouvernement vis-à-vis des propositions de l'Onu [aura évolué]". "Ce sera finalement au gouvernement de décider s'il désire cette aide (...) et la légitimité internationale. Les Nations unies ne peuvent certainement pas l'imposer au gouvernement".

Dans la semaine qui avait précédé la visite de la mission de l'Onu, des officiels gouvernementaux avaient critiqué vertement le plan de New York, voyant là une "violation à la souveraineté de l'Etat".

La mission onusienne sera restée une semaine au cours de laquelle elle aura rencontré deux fois le comité gouvernemental, animé par Sok An, chargé de traiter ces affaires, ainsi que des parlementaires, des ministres, des ONG, le directeur du Centre de documentation sur le génocide, et Y Chhien accompagnés d'autres anciens Khmers rouges qui tiennent les régions de Pailin et d'Anlong Veng.

Grégoire Rochaigne

## BAYON HOTEL

Bar - Hôtel - Restaurant  
N° 2 rue 75, Phnom Penh  
Tél : 722 701, 430 151, 426 491.  
Fax : 427 374

Chaque jour à midi, un menu original.

Et, à la carte :

- Escargots de Bourgogne
- Poisson de mer entier au BBQ
- Tournefos Rossini
- Rix de veau aux Morilles
- Profiteroles maison

et chaque jour nos suggestions "retour du marché".

Location de cassettes vidéo - Ouvert 24h/24 - Abonnement : 30\$ - Cassette : 1\$ / semaine

# The CAMBODIA DAILY

095092  
8/14

Volume 14 Issue 27

Wednesday, September 1, 1999

1,200 riel

## UN Warns Sham Trial Would be Rejected *Militias Roam E Timor After Possible Loss*

### Hin Sen Departs Today for 3 Weeks

By KULLY MCEVERN  
THE CAMBODIA DAILY

Concluding a week of talks on trying those responsible for more than 1 million deaths here between 1975 and 1979, the leader of a UN negotiating team said Tuesday any "show trial" that draws from an international-style, ad hoc tribunal will not be supported by the UN or the international community.

Citing a "wide divergence" between the UN's position and a

government proposal to try former Khmer Rouge leaders in the existing municipal court with "international assistance," UN Assistant Secretary-General for Legal Affairs Ralph Zacklin stressed that the UN proposal is "state of the art."

"As far as the organization of the tribunal is concerned, I don't think we would be able to change our basic ideas," Zacklin said during a Tuesday news briefing at Sunway Hotel. He noted that the government approached the UN and requested "this process be recognized as legitimate by the international community."

"Only the United Nations can provide this legitimacy," he said.

Even though the UN initially proposed an international tribunal outside Cambodia like those of Rwanda and Yugoslavian suspects, Zacklin said legitimacy could be achieved under the UN's current plan for a "mixed" tribunal because the UN would appoint foreign and Cambodian judges while still adhering to Cambodian law.

Zacklin admitted little substantive progress was made during meetings with a government working group headed by

Continued on page 10

By GUY SPENCER  
THE ASSOCIATED PRESS

East Timor - Angry militiamen blocked roads and stopped separatists from boarding planes and ferries out of East Timor's capital Tuesday, amid expectations that the Indonesian loyalists lost a vote on the troubled territory's future.

Anticipating a vote for independence, Foreign Minister Ali Alatas said in Jakarta that Indonesia Related story would hand over administration of East Timor to the UN if results expected next week favor independence. He offered no details.

Pro-Jakarta militias have been battling separatists for decades in the impoverished region, which Indonesia invaded in 1975, shortly after Portugal pulled out.

The militias say they want to stop the independence leaders from leaving to avoid a political vacuum that could plunge the territory into chaos like that which followed Portuguese withdrawal.

Hundreds of machete-wielding, gun-toting militia members returned to the streets Tuesday, menacing villages and parts of the capital, Dili, and raising fears that they might launch a new campaign of terror against those who favor independence.

Continued on page 1



Firefighters enjoy cigarettes Tuesday afternoon after dousing a blaze in which four houses near the Japanese Embassy on Norodona Boulevard were gutted. No one was hurt by the fire, which started because of electrical complications, police on the scene said.

### About Cambodia

- **Chen Sov's Son Suspects in 9-Volt Shooting**  
Four Chinese Escape  
AIDS Prevention Video to Begin Showing  
Page 10
- **Activist Proves Land Swap Upsets Guard**  
In Men's Room  
Legal Morals Continue Over Man:  
Australia's Schedule  
Eases Cheating on Doctors, But 549  
Continues  
Page 11
- **MO Urges Improvement on Labor Rights**  
Administration  
UN Model Reform, But Says More Still  
Needs to be Done  
Page 12
- **Letter: Thailand Invades Khmer Report of  
Koh Ising  
Page 13**
- **Teacher Conspiracy Cuts Down Opposition  
by Offering Jobs  
Page 14**

## Experts say Gov't Blocks Health Care Reforms

By GINA CHON  
THE CAMBODIA DAILY

Government officials readily acknowledge Cambodia has one of the poorest health care systems in the world.

The infant mortality rate is relatively high compared to other countries in the region: at least 70,000 children below age 5 suffer from malnutrition, and about 6,000 people die each year of malaria.

NGOs say the biggest obstacle to improving these problems is the government itself, specifically the way the Ministry of Finance

handles the health care budget.

The dramatic differences between the official budget and the amount actually spent make it impossible to bring Cambodia's health care system up to international standards, NGOs say.

"The lack of possibilities is due to this system," said Miamta van Pelt, head of the Medicines Sans Frontieres in Cambodia. "You cannot plan and you cannot make progress like this."

Finance Minister Keat Chhon acknowledged in a speech given Thursday to donors that there remain problems in how the min-

istry distributes money for health care. The source of these difficulties can be partly blamed on the central Ministry for Economy and Finance as the full budget is not made available to provinces and at the province level, where obstacles are placed in the way of the health departments," Keat Chhon said, according to a copy of the speech.

However, Suor Victor, under secretary of state for Finance, says the problem is the Ministry of Health, which he maintained is underspending. "We are not

Continued on page 1

មានដំណើរការសម្រាប់ការងារសាងសង់នៅទូទាំងប្រទេស

NATIONAL

NATIONAL Briefing

Four Chinese Escape

Four of the 224 Chinese arrested two weeks ago for entering Cambodia without proper immigration documents escaped Sunday from detention at immigration police headquarters, police said Tuesday. Sar Vany, a deputy immigration police chief, said the whereabouts of the escapees is unknown. The four Chinese men used Sunday's heavy rains as cover and broke down a detention cell wall to escape from the immigration police headquarters near Pochentong Airport, according to Bih Kim Hong, deputy municipal police chief. Police on guard when the Chinese escaped were "careless," said Bih Kim Hong, adding security has been tightened at the compound where the Chinese have been held since their arrest at a large house in the Tuol Kok district. The four escapees will be sentenced to prison terms by the courts if they are found. (Saiy Sovannarith)

AIDS Prevention Video To Begin Showing

A ground-breaking new video that teaches Vietnamese sex workers about AIDS prevention will start showing this week in Svay Pak, located several kilometers outside Phnom Penh. Vietnamese sex workers wrote the script for the 15-minute video and also perform in it, said Daniel Drevet, spokesman for Unicef, which made the video along with Medecins Sans Frontieres. It's the first time in Cambodia that sex workers appear in a video to teach other sex workers about AIDS prevention, Drevet said. The Vietnamese-language video is meant to inform sex workers about condom use and other ways to protect themselves from AIDS. The scenes, which take place in a brothel in Svay Pak, show clients becoming difficult with sex workers and how the workers deal with the situation. (Gina Chen)

Correction: Former Khmer Rouge military commander Sam Bith did not attend a Sunday meeting between a UN team and Puth Governor Y Chhien. Rather, another ex-guerrilla-turned-government army officer, Sou Samet, was present.

Cheha Sim's Son Suspect in S'ville Shooting

THE CAMBODIA DAILY

Sihanoukville police are investigating the possible involvement of a son of CPP President Chea Sim in an armed attack Sunday night, police officials said Tuesday.

Cheha Thien, believed to be 21, and a group of bodyguards are suspected of using automatic weapons to damage the Lucky Beer Garden in Sihanoukville town at around 9 pm Sunday, Sihanoukville Deputy Police Chiefs Tak Vanna and Yin Bunath both said.

They said the incident followed the visitor's dispute with the owner. No one was injured, Yin Bunath said.

UN...

CONTINUED FROM PAGE ONE

Minister of Cabinet Sok An. The two sides exchanged draft proposals and "made their positions clear," Zacklin said.

The diplomatic ball, he said, is in Sok An's court.

"Ultimately it would be for the government to decide whether or not it can accept our conditions," he said. "There has to be a meeting of the minds on the nature of the tribunal on the concept."

He noted the government is free to proceed with its own trial by its own standards, "but the UN will not be in a position to lend itself to this process." It will only participate, he said, if the court "can act with complete independence and integrity."

Characterizing the legal system here as clearly unable to conduct a fair trial, he said: "There should be no room for arbitrary decisions by either a prosecutor or judge. That is what we mean by higher standards of international justice."

After the UN's second and final meeting Saturday with the government working group, Sok An pledged to revise his position and deliver it to UN officials in the coming weeks.

The next step after that, Zacklin said, will be Prime Minister Hun Sen's trip this month to New York, where he said the premier has requested a meeting with UN Secretary-General Kofi Annan. The prime minister, who did not meet with the UN team here, departs today for Canada, Cuba and the US.

At issue for Hun Sen and the government has been retaining

sovereignty while achieving international approval. While Zacklin argued the entire discussion hinges on resolving what type of tribunal will be built, other questions about the UN plan remain.

For instance, while the UN plan disallows granting any pre-trial immunity to the accused, it does not waive the King's constitutional right to pardons after convictions, Zacklin said. But he said he hopes "judgments of an international tribunal would be fully respected by all of the competent authorities in Cambodia."

In addition to the threat of post-trial pardons, government officials have warned that indictments and arrests of surviving rebels who in recent years defected to the government—especially those holed up in the former Khmer Rouge stronghold of Pailin—could spark renewed civil war.

Zacklin dismissed this suggestion as "political" however, and said the integrity of an international process would "by itself dispose of this question."

The UN team's week here comes to a close after meetings with a number of government officials, NGOs and diplomats—as well as former Khmer Rouge leaders.

Earlier Tuesday, Puth Governor Y Chhien, who once served as a Pol Pot bodyguard, reiterated his support of the government plan for a municipal trial. He said he would not interfere in arrests if the order came from Cambodian judges.

But when pressed on how he would react if the UN plan prevails, he merely said, "We will follow whatever decision made by the government."

Owner of the Lucky Beer Garden, Lin Bun, is the son of prominent businessman Lin

Bun Leng.

Using three AK-47s, the group fired multiple rounds of bullets into the beer garden causing major damage, Yin Bunath said.

"They shot to destroy everything in the bar, then they went to stay with the third governor of Sihanoukville Sborny Sarath," Tak Vanna said.

The shooting incident comes just weeks after Nhlen Pisey, a nephew of Prime Minister Hun Sen, was arrested and killed for discharging a gun and injuring two people outside the Manhattan Club in Phnom Penh. Hun Pisey has since been released from jail.

In a news briefing Tuesday morning at the Royal Phnom Penh hotel, Y Chhien urged that "Khmer issues must be left to Khmer people."

He said only deceased Khmer Rouge leader Pol Pot and now-imprisoned alleged execution Ta Mok are guilty of international crimes. Any other suspects, like Ieng Sary, who served as foreign minister of Pol Pot's Democratic Kampuchea, should not be prosecuted because they "are innocent and legally joined the government," he said.

Zacklin said a list of indictments will not be formed until a prosecutor can investigate suspects. Yet he said potential evidence already gathered here "will allow prosecutors to quickly establish cases against a number of leaders of the Khmer Rouge" who are still alive.

Researchers at the Documentation Center of Cambodia, who assemble possible evidence, have said more than sufficient documents exist to charge Ieng Sary with international offenses.

Once a tribunal concept is agreed upon by the UN and the government, Zacklin said it could take at least another year to assemble the staff and conduct investigations. "Justice for the Cambodian people is long overdue," he said.

"The fact that we are sitting here today in 1999 discussing such a tribunal is a very sad commentary. I certainly hope that justice will be established for the Cambodian people—and I certainly hope the Cambodian government will pursue its efforts together with the UN to achieve this aim." (Additional reporting by Lor Chhandani)

By P.P

CPH 003

M/A

Translation from Sroach Srang Cheat (National rescue)  
news on 30 August 1999

**HUN SEN'S POLITICAL GAME IS TO PROTECT KING SIHANOUK, IENG SARY,  
BUT GET RID OF KHIEU SAMPHAN, NUON CHEA, TA MOK**

The analysts have noticed that Mr. Hun Sen, through his political game, is trying to take advantage of the prosecution of KR leaders. The game that Hun Sen protects King Sihanouk, former KR leader, and Ieng Sary, KR big brother No. 2, while he gets rid of other KR leaders, namely Khieu Samphan, Nuon Chea and Ta Mok.

Everybody knows that King Sihanouk could not escape from being prosecuted for his involvement with the genocidal crimes during Pol Pot regime. but if Hun Sen allows the prosecution of King Sihanouk, Hun Sen will lose a lot of advantages in the areas of politics and power because King Sihanouk is the most popular among the Cambodian people. And if Hun Sen push for the trial of King Sihanouk, the political situation will be definitely changed...., and the change will lead to the loss of power of Hun Sen. Furthermore, Hun Sen had also some involvements with KR, and the internal political affairs of Hun Sen were previously in Sihanouk's hand. Therefore, if Hun Sen did not protect King Sihanouk, the latter would reveal the scandal of Hun Sen; and finally Hun Sen would be defeated by King Sihanouk.

It could also be said that Hun Sen protects King Sihanouk in order that the latter returns his (Sihanouk) good deed to him (Hun Sen). The third reason why Hun Sen has to protect King Sihanouk because he wants King Sihanouk to be a political arbitrator or coordinator to maintain his power, meaning that Hun Sen can use or order King Sihanouk at his will because King Sihanouk's weakpoint is in Hun Sen's hand.

As for Ieng Sary, Hun Sen has to protect him as well because Hun Sen sees that Ieng Sary has more influence and support than other KR leaders. Therefore, Hun Sen cannot forget Ieng Sary when he is in power. Furthermore, there are many political agreements made between Hun Sen and Ieng Sary; those who are aware of the agreements said that both, especially Hun Sen, cannot breach their agreements. Therefore, Hun Sen will have to protect Ieng Sary if there is such a trial.

Khieu Samphan, Nuon Chea and Ta Mok had no use for Hun Sen. The faster they are brought to justice, the better occasion for Hun Sen. Y Chhien has recently said in a press conference that he would cooperate with the government in bringing former KR leaders to justice; but for himself, Ieng Sary could not be prosecuted because he had integrated about 70% of KR leaders [into RCAF] which was a big part of the peace building in Cambodia. The analysts affirmed that Y Chhien had fully served Hun Sen's policy. Hun Sen has to protect Ieng Sary but push Khieu Samphan, Nuon Chea, Ta Mok to appear before court for trial.