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LICADHO

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**Open Letter on Khmer Rouge Tribunal
by Dr. Kek Galabru, President of LICADHO**

On November 25th, the Royal Government of Cambodia announced the official appointments of Sean Visoth to be the Director of Administration at the Khmer Rouge Trials (KRT) and Michelle Lee as the Deputy Director. The day before, the United Nations released the list of candidates under consideration for positions as the international co-prosecutor and international judges. Both the Royal Government and the United Nations should be congratulated. After many years of negotiations and delays, the Khmer Rouge Trials process has finally begun. As a Cambodian, I wholly support a fair and independent Khmer Rouge tribunal to provide justice and fight impunity.

However, this is just the beginning of a long road, and we cannot rest on our laurels. The appointment of the Director and Deputy Director is merely the first step. The next step is the appointment of the judges and co-prosecutors. This is the most important step in the creation of the KRT. The appointment of fair, impartial, independent and experienced judges and co-prosecutors is critical to ensuring that the KRT is independent and operates consistently with Cambodian law and international standards of justice.

The United Nations has set an exemplary standard. It has published the list of international candidates under consideration and the criteria by which they will be selected. Moreover, it has published this information in advance of making a final decision, thus giving us an opportunity to participate in the selection process. It is now up to civil society organizations to scrutinize these candidates and voice their opinion to ensure that they meet the high standards necessary to the success of the tribunal.

I hope that members of the international community and civil society organizations have already begun researching the UN's candidates. While the United Nations has undoubtedly conducted its own investigation, additional research by civil society can serve at least two important purposes: 1) the research may turn up new information that the UN did not uncover that sheds light on the suitability of the candidates; and 2) civil society participation increases the credibility and transparency of the selection process, even if no new information is found.

I urge the Royal Government of Cambodia to follow the United Nations' example and release the names of the Cambodian candidates under consideration and the selection criteria far enough in advance of the final decision. This would allow civil society organizations and international community to comment on the Cambodian candidates. By doing so, the government will improve the credibility and transparency of the selection process. Even if civil society finds no new information about the candidates, the government will strengthen public confidence in the process by allowing civil society participation. Moreover, civil society might turn up new information - after all, when looking for something, many pairs of eyes are better than one pair of eyes. This too would strengthen the selection process.

After so many years waiting there is a slight glimmer of hope that eventually a KRT might come to life. The key administrators have been appointed and the selection process for the judges is



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underway. It is important that we capitalize on this momentum and push forwards. In this regard, the government's search for additional bilateral funding should not prevent the trials from beginning. Cambodia and the United Nations have already raised enough money for the first two years of the three year court.

The tribunal can and should begin as soon as judges and prosecutors have been selected through a thorough, fair and transparent selection process. In the case more funds should still be needed, a working, efficient, impartial tribunal meeting international standards would likely attract necessary funding and donors without difficulty.

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