

PETITION

Subject: In regard to funding for supporting the Extraordinary Chambers in the Court of Cambodia (ECCC)—Khmer Rouge Tribunal.

We, the people petition to the United States Senate to stand firm on the rule of laws principle by accepting nothing, but justice of all.

We, the victims of former Khmer Rouge's 1) Regime, 2) Leaders, and 3) Cadres where every single family had lost their love ones, and with an aggregate population for almost two millions of innocence lives or one-third of the county population.

We, the survivors of the Khmer Rouge Regime, which it had committed a crime against the people of Cambodia via a radical communist doctrine for achieving a utopia communist nation.

On Monday September 15th, 2008; the Deputy Secretary of State John D. Negroponte said that, the State Department intends to work with Congress to make available an initial contribution of \$1.8 million this year to support Khmer Rouge Tribunal.

We have viewed the Extraordinary Chambers in the Court of Cambodia (ECCC) ---the Khmer Rouge Tribunal was full of arbitrary, capricious, and abuse of discretion practice, which has no merit, and integrity in searching justice for Cambodia and the innocence lives that had lost during Khmer Rouge Regime.

Our views were based on these following undeniable facts:

- 1) During Khmer Rouge Regime (Democratic of Kampuchea, 1975-1979), King Norodom Sihanouk was the first Head of State from 1975-11976, and was not indicted by the ECCC. Currently, he is the Heroic King of Cambodia, and he is still a influential figure in Cambodians Politics.
- 2) During Khmer Regime, Mr. Khieu Samphan was the Head of State from 1976-1979, which he ruled the country after King Norodom Sihanouk was resigned, and he was indicted and arrested in 2007 and being tried by ECCC.
- 3) During Khmer Regime, Mr. Ieng Sary was Deputy Prime Minister, was indicted and arrested by the ECCC in 2007.
- 4) During Khmer Regime, Madame Khieu Thirith (aka Ieng Thirith) was the Minister of Social Affairs, was indicted and arrested by ECCC in 2007.
- 5) During Khmer Regime, Mr. Keat Chhon was a Delegate Minister for the Cabinet of Prime Minister of Khmer Rouge, was not indicted by the ECCC, and currently is the Minister of Finance of Cambodia.
- 6) During Khmer Regime, Mr. Thioun Mum was the Minister of Sciences, was not indicted and arrested by the ECCC.
- 7) During Khmer Regime, Mr. Chhorn Hai was the Minister of Post and Telecommunications, was not indicted and arrested by the ECCC.

- 8) During Khmer Regime, Mr. Kaing Guech Iev (aka Duch) was the Chief S-21 Tuol Sleng Prison, was indicted and arrested by the ECCC.
- 9) During Khmer Regime, Mr. Hor Nam Hong was the Chief of the Beung Trabaek Prison, which incarcerated all the Cambodia's intellectual people as well as Cambodian Expatriates, that returning home for national reconstruction as after the Vietnam's war, he was not indicted and arrested by the ECCC, and currently is the Senior Minister of Foreign Affairs.

Just to name a few of irregularities of the ECCC abuse of discretions in practicing and applying of the rule laws, and all the Khmer Rouge Leaders should be equally held responsible for their crimes, and they should be indicted and arrested for their roles and responsibilities during the Khmer Rouge Regime, but the Extraordinary Chambers in the Court of Cambodia has failed to deliver justice and it has allowed certain individuals to live outside the parameter of the laws.

New York, October 8, 2008—The Extraordinary Chambers in Courts of Cambodia (ECCC) must do more to address allegations of corruption at the court and protect employees who speak out about it, according to a new report released today by the Open Society Justice Initiative.

Last year, the Open Society Justice Initiative, a New York law reform organization founded by billionaire George Soros, said judges and other tribunal staff were forced to pay kickbacks to keep their jobs. The U.N. said in April that an audit showed that management reforms had produced "significant improvement" in the court's administration. But many Cambodians are losing faith in the promise that Khmer Rouge leaders will have to answer for their crimes (Mr. Paul Watson, Los Angeles Times, June 25, 2008).

Also, the [United Nation] audit says the courts are spending hundreds of thousands of dollars on staff who should not have been employed. It described more than 50 as "excess" hiring beyond the original budget and it said that more than half of the courts' Cambodian employees did not have the required qualifications or experience. All Cambodian staff contracts should be cancelled and the recruitment process re-started from scratch.

The United Nations Development Program (UNDP) says that "serious consideration should be given to withdrawing from the project", if the Cambodian administration refuses to address its concerns. In response, the Cambodian side has called the audit an "unbalanced account" and its recommendations "out of proportion". It says that great achievements have been made despite major difficulties and that many problems could have been averted with more assistance from the UN (Mr. Guy De Launey, BBC, October 1, 2007).

Some former Khmer Rouge members now hold positions within the army and government. There will be many people who will be disappointed in regarding to ECCC, said Mr. Nick Dunlop, the Los Angeles Times in August 21, 2007.

The UN High Commissioner for Human Rights, Louise Arbour, said the justice system needed to address its lack of training, independence and integrity. Her comments came at the end of a five-day visit to Cambodia. Relations between the UN and Cambodia have been tense following earlier reports criticizing the country's human rights record (BBC, May 19, 2006).

Unlike the UN tribunals for Rwanda and the former Yugoslavia, this one will include local judges and prosecutors who, critics say, are ill trained and subject to political manipulation. Under a complicated "supermajority" formula, the Cambodians will be in the majority, but their international counterparts will have veto power (Seth Dydans, International Herald Tribune, January 17, 2006).

With all these compelling evidences above, we strongly believe that the Extraordinary Chambers in the Court of Cambodia (ECCC) is full of arbitrary, capricious, and abuse of discretion practice in applying the rule of laws, and it has no merit and integrity in searching for justice for Cambodia and the people where every family, which had lost their love ones with an aggregate population almost two millions of innocence lives or one third of the country's population.

Under the attribute and essence of the laws and democratic principle, no one is above the laws, and if there is one; then there will be no justice. Without requiring the ECCC commitment and its fiduciary duty to bring all above responsible ones, and if not more of them to the court of laws, then where will be no justice for Cambodia and innocence Cambodians, and we know that the justice is long over due, under the attribute and essence of the laws, and there should be no one is above the laws, and if there is one; then there will be no justice. Every reasonable man believes that ECCC is nothing but a "Kangaroo Court", which was not setup by the court of laws. By irresponsibly funding the ECCC, it will give a bad invitation to the dictators to champion up their way to self-power and personal wealth, which is leading to civil upheaval and genocide. I urge United States Congress, its Committees and Subcommittees to exercise their legislative authority vested in their chambers with ethical and moral responsibilities.

Sincerely,

Sign under the Sincerely,

And print your name and your full address and send to these following addresses:

1) Senators in your state

2) Hon. Chairman Robert C. Byrd
Senate Appropriations Committee
The Capitol, S-131
Washington, D.C.20510
Telephone 202-224-7363

3) Hon. Chairman Joseph R. Biden, Jr.
U.S. Senate Committee on Foreign Relations
Dirksen Senate Office Building
Washington, DC 20510-6225