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To: Mr. Zhang, Press Office, Embassy of China

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From: Michael Hayes, Publisher, Phnom Penh Post

Date: May 10, 1999

Dear Mr. Zhang:


The Phnom Penh Post ran a photo of Khmer Rouge General Ta Mok last issue with several other people. One of our readers has informed us that Chinese Ambassador Fu Xuezhang is in the photo as well as a Madame Chang, former Second Secretary to the Chinese Embassy in Bangkok and Counsellor of the Chinese Embassy in Phnom Penh until 1997.

It is our belief that this picture was taken in 1997 or later, some time after the Chinese officially declared that they had severed any contact with the Khmer Rouge.

I will be calling your office to discuss this matter with you shortly.

Thank you in advance for your time and assistance.

Sincerely,

  
Michael Hayes,  
Publisher & Editor-in-Chief

→ names

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# Lack of genocide law may snag trial

BY BETH MOORTHY  
AND SAMRETH SOPHA



Ta Mok with Thai business associates shortly before his arrest

PLANS to charge Khmer Rouge leaders Khieu Samphan, Nuon Chea and Ta Mok with genocide could founder on a technicality, say legal experts.

They contend the defense has a strong argument against the charge: there is no law on which to base it.

The government has maintained that its adherence to the Convention for the Prevention and Punishment of Genocide in 1950 provides a legal basis for charges, even though there is no domestic law against genocide.

However, the language of the Convention expressly requires that signatory countries enact "the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide. . ."

Thus, said one legal and human rights expert, Cambodia hasn't fulfilled its obligations under the Convention.

And without a domestic law

with enforcement provisions, a charge of genocide could be refuted by the defense as lacking legal grounds.

Even if the National Assembly hurriedly passes a law defining genocide and its penalties, the defense could still try to argue the definitions and penalties postdate the crimes and therefore cannot apply — though lawyers said this was a weaker argument.

Meanwhile Nuon Paet, the former Khmer Rouge general accused of killing three foreigners abducted from a train in 1994, would be in court in a matter of days said an official at the Municipal Court.

An investigating judge of the Municipal court who asked for anonymity said that he had ended his investigation in early April and had now forwarded all documents to the trial judge.

"I asked Nuon Paet twice [and] he denied that he killed the trio," he said.

"On the contrary, Paet said he was the one who helped supply medicines to them."

The trial judge — Boninh Bunary — said that she had received the file but there needed to be a few procedural changes made, after which the case could be heard.

But Bunary was not able to specify a definite trial date.

And in addition to the criminal charges against Paet he might also face civil charges.

Secretary of State of Justice, Ly Vuoch Leng, said the victims' families could file a suit for compensation, but had not done so

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