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Govt interference still besets tribunal: OSJI

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POLITICAL interference remains a challenge to be dealt with by the Khmer Rouge tribunal and its international supporters, according to a new report from the Open Society Justice Initiative (OSJI).

Released on Thursday in New York, the report said nascent investigations in the court's third and fourth cases must proceed swiftly in order to avoid the perception that they are being stymied by the Cambodian government.

"A recommitment to full judicial independence must be made by the Cambodian leaders and staff of the ECCC to assure the Cambodian public that the ECCC is not merely a tool of political interests," the report said, taking note of comments in recent months from Prime Minister Hun Sen and other government officials who have weighed in on the court's work.

In December, Hun Sen publicly denied interfering in the court's work, though he warned that further prosecutions, which the court is set to pursue in cases 003 and 004, could destabilise Cambodia.

"Sorry, no more [prosecutions]. I would rather see the court fail than let the country fall into war," Hun Sen said.

The OSJI report praised the tribunal's impending completion of its first case – that of Tuol Sleng prison chief Kaing Guek Eav, alias Duch – saying it had "engage[d] a large number of Cambodians in better understanding their history and the value of an independent judicial process".

To help sustain this momentum into Case 002, the OSJI called on the UN to lend the tribunal more support, particularly by appointing a UN assistant secretary general as a permanent adviser to the court.

Council of Ministers spokesman Phay Siphon agreed that the Duch trial had been successful, arguing, however, that this demonstrated the groundless nature of concerns about political interference.

“Case 001 did go smoothly, even though they raise the issue of government interference, political interference. Case 002 is going to go smoothly, the same thing,” Phay Siphon said, adding that the government should not be seen as an obstacle to the tribunal’s success.

“The government, as a partner of the UN and the international donors, we do our best to help the court,” he said.

OSJI, however, noted with concern that six senior government officials – including Minister of Foreign Affairs Hor Namhong, Senate President Chea Sim and National Assembly President Heng Samrin – have apparently ignored summonses issued for them in September, which were publicly criticised by Hun Sen. With none of the officials having appeared before the court’s co-investigating judges as of January, Judge Marcel Lemonde concluded that it would not be feasible to pursue their testimony any further.

Though it would be best for government officials to avoid publicly discussing decisions of the court, International Centre for Transitional Justice deputy director Caitlin Reiger said earlier this month that the court must deal with the fact that interested parties will inevitably attempt to influence its work.

“People in the public domain, including people in official positions, will make comments, and it is part of the professional responsibility of judicial officials to not let that interfere with their work,” she said.

UN court spokesman Lars Olsen said Thursday that tribunal employees were taking this approach. “The court is still working in accordance with the law, and we are making our decisions independently of any other body, be it national or international,” he said.

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