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KRT bribery allegation James O'Toole September 19, 2010

Lawyers for former Khmer Rouge foreign minister Ieng Sary have filed a motion to disqualify the president of the Trial Chamber at Cambodia's war crimes tribunal, alleging that he admitted to accepting bribes as head of the Battambang provincial court.

In a filing dated Friday, co-lawyers Ang Udom and Michael Karnavas said the admissions demonstrated that Trial Chamber President Nil Nonn had "compromised and forfeited his judicial integrity".

"Judge Nil Nonn appears to have publicly admitted to taking bribes," the lawyers said.

"This is exactly the sort of conduct that prevents a judge from executing his judicial affairs independently and impartially."

The comments in question appeared in a report by PBS Frontline journalist Amanda Pike, who interviewed Nil Nonn in March of 2002 for a documentary film project.

According to a partial transcript of the interview quoted in the filing, the judge allegedly said he accepted payments from litigants on a regular basis.

"It happens to me as it does to others as well, but it is not through any effort on my part. However, if after a trial people feel grateful to me and give me something, that's normal, I don't refuse it," Nil Nonn is quoted as saying.

"I've settled the case for them and people feel grateful. Living conditions these days are difficult for me," he allegedly added, noting that he earned just \$30 per month in salary at the time. "But if you are talking about pressuring people for bribes – no."

Nil Nonn declined to comment yesterday.

Court spokesman Reach Sambath said he had no information on the filing, but he affirmed that Nil Nonn and other jurists took seriously their responsibilities at the Extraordinary Chambers in the Courts of Cambodia, as the court is formally known.

“All judges and prosecutors at the ECCC have a strong commitment in their jobs and duty there to ensure that justice is delivered for Cambodians who were victims of the Democratic Kampuchea regime,” Reach Sambath said.

In a report released in July, the Cambodian Centre for Human Rights said questions about impartiality dog the Kingdom’s courts. In 199 trials observed as part of a CCHR court monitoring project, judges met privately with lawyers immediately before announcing verdicts in 16 percent of cases.

In 2008, lawyers for former Khmer Rouge Brother No 2 Nuon Chea unsuccessfully sought the disqualification of Pre-Trial Chamber judge Ney Thol, arguing that his involvement in a number of controversial decisions in favour of the ruling party demonstrated a lack of independence.

Youk Chhang, director of the Documentation Centre of Cambodia, dismissed the latest defence filing as an attempt to “invite controversy”, saying that the problem of bribery and petty corruption at provincial courts was common knowledge in Cambodia.

“It’s publicly known,” he said.

The court issued indictments last week for Ieng Sary and three other regime figures, charging them with a number of offences including genocide, crimes against humanity and grave breaches of the Geneva conventions.

The case is expected to reach the Trial Chamber in the first half of next year.

ADDITIONAL REPORTING BY CHEANG SOKHA