

**KRT's 'deficiencies' decried**  
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Khmer Rouge tribunal judges are accused of taking bribes, lacking appropriate legal education and playing to political power in a damning report released yesterday.

“The early concerns about the deficiencies within the Cambodian domestic judicial system permeating the ECCC proceedings have come to fruition,” international law expert Mark Ellis said in his nearly 50-page report.

“The allegations relate primarily to lack of training and professional expertise on the part of the judges, executive interference in judicial selection and proceedings, and corruption among court officials and government employees,” Ellis wrote.

The national component of the tribunal has been a point of tension between the Cambodian government and the United Nations since talks to set up the tribunal began in 1997.

The UN sent a group of experts to Cambodia in 1998 to investigate the feasibility of a court to try Khmer Rouge leaders. Those experts ultimately concluded that the national judicial system was riddled with deficiencies, many of which stemmed from the fact that the judiciary had been decimated by the Khmer Rouge regime, leaving very few qualified judges and lawyers.

According to a 2004 World Bank report, only one-sixth of Cambodia's 117 judges at the time and just one of the country's nine Supreme Court judges had law degrees.

Ellis's report raises concerns about many of the current tribunal judges, including Trial Chamber president Judge Nil Nonn, who in a 2002 media interview admitted to taking bribes from parties in court cases.

Pre-Trial Chamber Judge Ney Thol does not hold a law degree and Trial Chamber reserve Judge Thou Mony twice ruled against Born Samnang and Sok Sam Oeun, the men accused of union leader Chea Vichea's 2004 assassination – both are widely believed to be innocent.

Co-Investigating Judge You Bunleng was appointed by the government, a clear violation of the separation of powers between the executive and judiciary, according to the report, which points out that You Bunleng delayed signing documents to commence investigations into cases 003 and 004 in 2010.

In addition to inadequate training and questions about judicial independence, Ellis's report points to an alleged kickback scheme as adding to the tribunal's crisis of credibility.

"Cambodian ECCC personnel also have filed complaints alleging that [they] are compelled to kickback part of their wages to Cambodian government officials in exchange for their position," he said.

Neak Pheaktra, national press officer at the tribunal, told the Post yesterday: "We will not comment on the report, because the most important work now for the tribunal is to prepare for the open hearing on reparations and on fitness to stand trial of the accused in Case 002.

"As the co-prosecutors and the co-investigating judges have reiterated again and again, they will continue to work independently and will not bow to any pressure or political interference," he said.

Cambodian Bar Association president Chiv Song Hak would not comment on the report, but noted the tribunal's successes in cases 001 and 002.

"If Cambodian judges did not have a very good legal education, how could they work with the international judges?" Chiv Song Hak said. "Because the national judges and the international judges can work together, it means they have enough knowledge to be at the ECCC."