

**Khmer Rouge tribunal rejects Kiwi case**  
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Trans-Atlantic rower Rob Hamill, whose brother was murdered by the Khmer Rouge, has failed in his appeal to bring civil proceedings against several of those he believes were involved.

However, his case has raised serious concerns of judicial misconduct, and serious procedural irregularities, by investigating judges at the Khmer Rouge tribunal.

Olympic rower Hamill's elder brother Kerry was abducted by the Khmer Rouge in 1978 when his yacht strayed into Cambodian waters. He was taken prisoner at Tuol Sleng prison in Phnom Penh, where he was tortured and murdered. Early this year Mr Hamill, who lives in Te Pahu, tried to take a civil case for his killing, and other war crimes, against five people under investigation by the Extraordinary Chambers in the Courts of Cambodia, known as the Khmer Rouge tribunal.

In April that application was rejected by the Office of the Co-Investigating Judges (OCIJ) on the grounds that he did not demonstrate that he suffered psychological injury as a direct consequence of his brother's death.

Mr Hamill appealed against that decision, but this week found out he had failed. However, his lawyer, Lyma Nguyen, said the considerations of two international judges on the appeal panel raised serious concerns about the investigation of the case by the Khmer Rouge tribunal. They said the investigating judges refused to recognise civil party lawyers, in breach of Cambodian and international practices, and refused to give reasons for that stance.

They also kept victims in the dark about the case, preventing them from filing applications to become civil parties, and denied victims' lawyers access to the case file despite repeated requests.

Mr Hamill said "It has serious ramifications and the United Nations, or someone, is going to have to take a pretty good look at this now."