

Disorder in the Court

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PHNOM PENH -- The Khmer Rouge war-crimes tribunal has been dogged by allegations of corruption for years. But only now are the full details of an alleged institutionalized kickback scheme beginning to emerge. Last week, one of the defense teams requested that the tribunal itself investigate lingering allegations of corruption, which will keep this issue in the public eye for many months to come.

At the heart of the corruption charges is a single allegation: Cambodian employees, including some judges, were given lucrative positions at the court on the basis they would then pay a portion of their salaries every month to the government officials who secured them their jobs. Last year, in my capacity as a reporter for the Phnom Penh Post, I met several employees who said they had paid kickbacks to their immediate supervisors and were willing to talk about it. Many refused to be quoted for fear of retribution, as the court has no whistleblower protections in place.

One employee, however, bravely outlined how the kickback system operates: "In front of people you're told to say 'no one is taking away my money' and yes the money transferred into your account is the full amount, but then you have to give over the percentage," the employee said, requesting anonymity. Other employees agreed with this account.

These alleged kickbacks may have alarming implications for the possibility of a fair trial. The tribunal operates under a hybrid structure where the United Nations and the Cambodian government divide responsibility for key areas of the court's operation. The employees told me the kickbacks were demanded only on the Cambodian side of the court, which oversees translation, court management, witness protection, and other areas.

The U.N. has reacted guardedly. Over the last 18 months, the U.N. has conducted a series of investigations into the allegations but refused to disclose the results of the findings. Efforts to create an investigative mechanism and whistleblowers protections for Cambodians working at the court have moved slowly.

In February, an extraordinary leak from a delegation from the Bundestag, or German parliament, provided strong evidence that the U.N. has long been aware of these practices. The report, prepared by the offices of the parliamentarians and published on the Web site of the Bundestag, details an interview with Knut Rosandhaug, the court's deputy director of administration responsible for the U.N. side of the court. It paints a bleak picture of pervasive corruption, using the German term *schutzgelder*, which literally means "protection money" to describe the payments. The report noted, "The United Nations has conducted an investigation of the head of administration of the [tribunal]

Sean Visoth and come to the conclusion that he was guilty of corruption." Neither Mr. Rosandhaug nor the delegation have commented on the report.

Mr. Sean, who heads the Cambodian side of the court, has been on medical leave since November, and could not be reached for comment. He is still an employee of the Court, and the U.N. has not formally accused him of any wrongdoing. The U.N. does not technically have the authority to carry out investigations into nationals employed by member states, and I have not been able to independently confirm whether Mr. Sean was investigated and found "guilty" by the U.N. Court spokeswoman Helen Jarvis said she could not comment on the German report. "Guilt or innocence are normally the outcome of a proper judicial or investigative procedure following due process," she said.

The German report also quotes Mr. Rosandhaug saying the U.N. should pull out of the tribunal or risk "a loss of credibility if they . . . support a tribunal which is characterized by corruption." Both Mr. Rosandhaug and the U.N. declined to comment.

The question now is, where does the U.N. go from here? If Turtle Bay doesn't act fast, donors may have the final say on the court's fate. The Cambodian side of the court may not be able to make payroll this month. Donors have warned in public statements that they may reconsider their pledges if the corruption allegations are not satisfactorily resolved. An emergency donation of \$200,000 on March 21 from the Japanese government allowed the Cambodian side of the tribunal to pay salaries for March, but there's no telling what will happen for April's payroll. The United Nations Development Program, which manages millions of dollars for the Cambodian side of the court, has frozen these funds since July pending resolution of the corruption allegations.

To date, five figurehead Khmer Rouge leaders are behind bars. Most will likely die in jail before they face trial given their old age and the slow pace of the judicial process. The tribunal's corruption allegations threaten to rob Cambodians of even this thin slice of justice. For a court that was \$120 million and 12 years in the making, Cambodians deserve better.

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