



**Donors, UN weak against tribunal ‘interference’: court monitor
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A US-based monitoring group for the Khmer Rouge tribunal says the UN-backed court is suffering under the weak positions of international donors in the face of government opposition to further indictments.

The international prosecution for the hybrid court has said more indictments of Khmer Rouge cadre should be pursued, something Prime Minister Hun Sen and Cambodian judges object to on grounds of national stability.

The tribunal has successfully completed the trial for torture chief Duch and is at work on its second case, to try four leaders in custody for atrocity crimes.

With two cases—003 and 004—now in the office of the investigating judges, it remains a question how much farther it will go. And a number of senior government officials within the ruling Cambodian People's Party have failed to respond to court summonses for testimony.

In a December report, OSJI says donors can push harder for wider indictments and great participation by leaders.

Donor countries “can make it clear to the government that they are not going to continue to support the court unless the government allows Cambodian staff to move ahead fully with the investigation into Case 003 and unless witnesses that are summoned by the court are allowed to appear,” said Heather Ryan, who monitors the court for OSJI in Phnom Penh.

OSJI says statements by Hun Sen and a lack of cooperation from officials under him are tantamount to tampering at the tribunal.

So donors must “make it clear to the government of Cambodia that they are not going to be able to tolerate ongoing interference in decision-making at the court,” Ryan said.

Hun Sen also warned UN Secretary-General Ban Ki-moon, who visited Cambodia in October, that he did not want to see further indictments at the court. In response, Ban said the issues were a matter for the court and beyond the purview of his office.

OSJI called that response inadequate. But a diplomat based in New York told VOA Khmer that donors have been briefed about the court's activities and the meeting between Ban and Hun Sen. Asked whether the donors will push for more cases, the diplomat said: “It's up to the court, and the donors can't interfere. Judicial independence should be

respected.”

Meanwhile, donors are still wrestling with the question of how to fund the completion of the court, which could leave unfinished cases in the hands of the national courts, a move tribunal observers say could undermine international standards of justice.

The New York diplomat said negotiations over more indictments and the court's completion strategy are ongoing.