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Foreigners at ECCC scrutinised
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Lawyers, observers call govt monitoring 'intimidation'

A senior government official said Tuesday that the government was monitoring "all international staff" at the Khmer Rouge tribunal, prompting charges of interference and intimidation from lawyers and court observers.

Council of Ministers spokesman Phay Siphon told the Post Tuesday that officials were maintaining files in an effort to prevent corruption on the part of foreigners, which he described as a legitimate threat.

"The international side has corruption, too," Phay Siphon said, though he later backtracked and said no proof of corruption on the Cambodian side had surfaced.

In addition to UN officials, international staff would include some civil party lawyers and interns working at the UN-backed court.

Phay Siphon declined to say who was providing officials with the information that was being placed in the files, or what the effort had revealed as of Tuesday.

He said the effort began after government officials "were given a file with complaints [of corruption]", although he declined to say when this occurred.

"We didn't believe them, so we are monitoring the court ourselves," he said.

Andrew Ianuzzi, a legal consultant for the defence team of Nuon Chea, one of five former Khmer Rouge leaders detained by the court, said the reported monitoring was "blatant interference" and intimidation.

"This is the childish, thuggish behaviour we have come to expect from the government," he said. "But it is not something to be taken lightly."

"It sounds like we're being spied on," he added.

John Hall, an associate professor at California's Chapman University School of Law who has written extensively about the tribunal, said via email that the government has "a reputation for smearing the reputations of its critics. It's good to see it acting true to form".

"I wouldn't be surprised to see [a government-orchestrated] campaign of false tit-for-tat accusations levelled at international staff. The motive is far from subtle: deflect attention away from the still-unresolved corruption allegations implicating senior [government] officials at the tribunal."

Phay Siphon disputed the notion that the government was interfering in an inappropriate manner.

"This is not interference. I am not threatening anyone," he said, adding, "We are keeping watch and looking for information that might discredit the ECCC."

Michelle Staggs Kelsall, a court monitor for the East-West Centre's Asian International Justice Initiative, said, "Without sounding alarmist, this is alarming.... There is obviously a complete breakdown of trust between the two sides of the court." Staggs Kelsall called on the UN to take active steps to repair the relationship, a point seconded by Ianuzzi.

"One would hope the UN would step in at this point," he said.

A work in progress

Phay Siphon described the most recent corruption allegations - in which workers on the Cambodian side of the court were allegedly forced to hand over a portion of their salaries - as "a foreign concept", saying, "Cambodian people give small payments at temples all the time."

Asked if he was comparing forced salary payments to temple donations, Phay Siphon replied, "I don't know".

Ianuzzi responded: "If they're saying that, then I think it's time for us to ask how much it will cost to get our client off."