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Tribunal graft talks fail to find a solution

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Three days of talks fail to produce anti-corruption mechanisms for troubled war crimes court.

After three days of talks billed as a last-ditch attempt to address corruption allegations at the Khmer Rouge tribunal, the United Nations and Cambodian government failed Wednesday to reach an agreement on anti-corruption mechanisms at the hybrid court.

"We couldn't agree," UN Assistant Secretary General for Legal Affairs Peter Taksoe-Jensen told reporters after emerging from the closed-door meeting.

"We were very close to an agreement, and I have left a proposal on the table for Sok An to consider, but we will not continue negotiations from now on," he added.

In a statement released after the meeting, Taksoe-Jensen wrote that "the UN continues to be convinced that the Court will meet the principle of fair trial", but explained that the discussions had foundered over the nature of the proposed ethics monitoring mechanism.

"For the ethics monitoring system to be credible the staff should have the freedom to approach the Ethics Monitor of their own choice and put forward complaints without fear of retaliation," he wrote.

In response to the failure to set up acceptable mechanisms on the Cambodian side of the court, the UN said it would strengthen its own monitoring mechanism, including forwarding complaints to the UN headquarters in New York.

"Any complaint received will be shared with the Cambodian authorities while respecting confidentiality in a way that ensures full protection of staff of the Extraordinary Chambers in the Courts of Cambodia against any possible retaliation for good faith reporting of wrongdoing, as appropriate," he said.

Sok An declined comment after the meeting, but spokesman for the Council of Ministers Phay Siphon said that the meeting had been productive.

"Every meeting has had a result: to understand each other better," he said.

"It is not about the proposals of this and that, it is about the fact we sit together and talk together to increase the efficiency of our work, and strengthen ethics at the court."

Phay Siphon said that those making allegations of corruption had "tried to make the government lose face", but said that Cambodia was committed to working with the UN to improve court ethics.

He added that he believed negotiations would continue, as only a few key points remained unresolved, but would not clarify further.

Allegations that court staffers had to kick back a percentage of their wages to the government official who gave them their job first surfaced two years ago. The latest corruption allegations emerged last July, prompting the UN to launch a graft-review, the results of which have not been released.

In response to the allegations, donors have frozen funding to the Cambodian side of the court, pushing it to near bankruptcy.

This week's talks were seen as a way of hammering out a deal that would allow funding to resume.

Court monitors have expressed concern over the failure of the talks, urging both sides to reconsider walking away from the negotiating table, but reserving their harshest criticism for the Cambodian government.

"The continued reluctance from the government to set up reliable mechanisms to prevent or to deal with future corruption is a violation of the [ECCC] agreement that said the court had to be credible and meet international standards," said Long Panhavuth, program officer at the Open Society Justice Initiative.

Recent judicial progress at the court, at which the trial of the regime's top torturer Kaing Guek Eav is ongoing, underscores the urgency of resolving the graft allegations, Long Panhavuth said.

"While Duch's trial is a cornerstone of the ECCC proceedings, the success of the tribunal does not solely depend on the smoothness of Duch's trial - it rests also on its ability to demonstrate it is a competent and independent court."