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Corruption counsel's role at ECCC unclear

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Some say auditor's NAA record is concerning.

As the Khmer Rouge tribunal's independent counsellor prepares to face the media for the first time today, observers say the effectiveness of the new position, created in part to resolve corruption complaints, remains an open question.

Beyond noting that few details of Uth Chhorn's role have been made available, some observers expressed concerns about his work as head of the National Audit Authority (NAA), an ostensibly independent body that has made none of its reports public — even though this is required under the 2000 Law on Audit.

The government and the UN announced Uth Chhorn's appointment on August 11, more than two years after allegations first surfaced that Cambodian staffers had been required to give a percentage of their salaries to top tribunal officials.

A release hailed the appointment as a measure to strengthen anticorruption measures.

But Michelle Staggs Kelsall, a court monitor for the Asian International Justice Initiative at the East-West Centre, noted that officials had yet to disclose how Uth Chhorn would be specifically empowered to resolve corruption complaints.

"I think at this stage it's very difficult to assess whether this is going to be effective at all, regardless of who is in the position," she said.

Sophal Ear, a professor at the US Naval Postgraduate School in California whose father died during the Khmer Rouge regime, wrote in a Wall Street Journal op-ed earlier this month that the selection of Uth Chhorn in particular was troubling.

In an interview with the Post Monday, he said the NAA's lack of transparency had robbed it of all credibility, adding: "Since the auditor general and the independent counsellor will be one and the same, this does not bode well for the credibility of the ECCC."

The NAA, which began its work in 2002 and is tasked with auditing all government

bodies, is officially independent under the Law on Audit.

But a 2008 review by the nonprofit Global Integrity stated: “The NAA is believed to not be politically independent, even by law.”

The review expressed concern about Article 37 of the Law on Audit, which bars the auditor general from disclosing information deemed by the government to be “contrary to the public interest”, including information that “would prejudice the security, defence, integrity or international relations of the Kingdom of Cambodia”.

Uth Chhorn declined to comment before a press conference scheduled for today. Chea Sophat, deputy chief office at the NAA, said Tuesday that there had been no government interference in the authority’s work.

He did say, though declining to elaborate, that Article 37 had been a factor in the delayed release of the 2006 national budget audit. Earlier this year, Uth Chhorn said that specific audit would be released in June, but the release never happened. Chea Sophat said the document might be released this month.

An August OSJI report said transparency would be important for the independent counsellor, and that Uth Chhorn should be required to issue public reports in his new role.

Court spokesman Reach Sambath declined to comment on whether Uth Chhorn would issue public reports, referring all questions to the press conference.