

**The court on trial**  
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*Accusations of corruption threaten to discredit the trial of the Khmers Rouges*

The tribunal to try former Khmers Rouges began its real proceedings this week. The first in the dock is Kaing Guek Eav, alias Duch, who ran the former regime's notorious S-21 torture prison and who is charged with crimes against humanity, torture and murder. In court, he admitted responsibility, expressing "heartfelt sorrow". But the long-overdue hearing is being overshadowed by accusations of a lesser sort: corruption and political interference. These threaten to discredit proceedings on the far greater crimes.

Three of the court's staff, who spoke on condition of anonymity, accuse Sean Visoth, the court's chief of administration, of collecting money from every Cambodian in his department, including court employees and Cambodian legal assistants in the office of the co-investigating judges and co-prosecutors (the court has dual officials because it is set up under Cambodian and United Nations auspices and is run under national and UN rules). Some of the cash, they were told, was intended for Sok An, a deputy prime minister.

There is no indication that the minister took the money and neither man has commented on the accusations, which are unproven. But in November Sean Visoth went on sick leave because, according to the government's spokesman Khieu Kanharith, a UN corruption review had named him and requested his removal. "Sick leave is a political excuse," he says.

These accusations are only the latest in a series to have plagued the court. The UN says that last year it received complaints from several Cambodians about kickbacks. This action brought the UN and Cambodian sides into conflict and, according to one staffer at the court, resulted in several people being fired by the government in murky circumstances.

The court's rules oblige Cambodians to report complaints to their own government. So when the Cambodian whistle-blowers took their complaints to the UN, it organised a confidential review of the allegations and recommended that the Cambodian side should investigate them. The Cambodian side responded by saying that the review was outside the UN's jurisdiction and therefore invalid. Last August Sok An appointed two officials to hear the complaints and in December he met officials of the UN Office of Legal Affairs to draw up an anti-corruption plan. But the whistle-blowers are not reassured. "If the UN does an investigation, I will come out," says one. "But if the government does an investigation, I will not...I would not feel safe for myself and my family."

Lawyers for the defence are demanding a full investigation. On March 27th the defence team for Nuon Chea, another of the accused, backed by two other defence teams, asked to see the confidential UN review. “At some point,” says Richard Rogers, the co-ordinator for the defence lawyers, the UN “is going to have to choose between either looking like it’s complicit in a cover-up or hand over the documents to the defence teams so they can help ensure international standards.”

There are also allegations of political interference, not just corruption. The international prosecutor, Robert Petit, says he has enough evidence to charge more suspects than the five in detention. Yash Ghai, a former special representative of the UN secretary general to Cambodia, adds that if prosecutors have enough evidence to prosecute “they have a duty to do so.” But the Cambodian prosecutor disagrees. Pursuing more suspects would cause instability and exhaust funding, she argues.

Such disputes may be inevitable in a process that is designed to please both Cambodia, which is concerned about maintaining political support for the trial, and the UN, which must keep up international legal standards. “It’s very easy to be a pure international judge in a pure international tribunal very far away from Cambodia, far away from this corrupt atmosphere,” says Marcel Lemonde, the court’s international co-investigating judge and a framer of its internal rules. “But if we have the court operating in Cambodia, applying Cambodian law, with participation of Cambodian judges, and the possibilities for victims and witnesses to attend the hearings and participate, then it becomes interesting.”

The rumble of allegations makes it increasingly difficult for the court to satisfy both sides. The UN Development Programme, which manages a trust fund of donations to the court, has refused to pay the Cambodian side, pending the result of the corruption investigation. Other donors are likely to continue their support—unless the UN itself pulls out or the international judges rule to stay proceedings.

Even then, says the Cambodian government, the trial would go ahead. “Why don’t all the lawyers pull out?” asks its spokesman. “If you say that the court is corrupt, get out. At least we can save some money.” But not, if that were to happen, the tribunal’s judicial reputation.