

KRT interference alleged
May Titthara and Mary Kozlovski
October 25, 2011

Defence lawyers for former Khmer Rouge “Brother Number Two” Nuon Chea filed a criminal complaint at the Phnom Penh Municipal Court yesterday requesting an investigation into alleged interference by senior government officials, including Prime Minister Hun Sen, at the Khmer Rouge tribunal.

Hun Sen, Senate president Chea Sim, National Assembly president Heng Samrin and eight other high-ranking officials allegedly participated in a “common criminal plan” to interfere with the court’s work, according to a copy of the complaint.

The Council of Ministers’ Press and Quick Reaction Unit called a press conference to address the complaint at which PQRU deputy spokesman Keo Remy denied the allegations.

“Nuon Chea’s lawyers want to take this chance to delay the process of case 002 that [the ECCC] will begin hearing on November 21,” he said.

The complaint, filed by Michiel Pestman and Andrew Ianuzzi, co-defence counsel for Nuon Chea, states that government officials have “actively interfered with the administration of justice” since the court’s inception, in violation of certain provisions in the Kingdom’s penal code.

The complaint cites media reports in alleging that some officials had committed various “infringements on justice”, including opposing further investigation and proceedings in cases 003 and 004, indicating that certain witnesses should not testify in Case 002 and ignoring court summonses to appear for testimony in Case 002.

“Such executive obstruction in the work of what should be an independent judicial body . . . threatens to unduly compromise the integrity of the proceedings in Case 002 at the ECCC, and – quite simply – amounts to criminal activity under the Penal Code,” the complaint reads.

It requests that prosecutors investigate senior officials including Hun Sen, Heng Samrin, Chea Sim, Foreign Minister Hor Namhong, Information Minister Khieu Kanharith, Economy and Finance Minister Keat Chhon, Interior Ministry spokesman Khieu Sopheap and Council of Ministers spokesman Phay Siphon.

Others named in the complaint include Minister to the Royal Palace Kong Sam Ol and ruling-party senators Ouk Bunchhoeun and Sim Ka.

Andrew Ianuzzi told the Post yesterday that municipal court prosecutors had informed the defence lawyers they would “move swiftly” on the complaint and would “very shortly” assign an assistant prosecutor to handle it. Municipal court deputy prosecutor Sok Roen could not be reached for comment.

Phay Siphon said he had not yet read the complaint, but Nuon Chea’s defence lawyers had a right to file it.

“It’s not surprising the defence lawyers would try to file a complaint, because everyone has the right to sue in their own interest under the rule of law,” he said, adding that Case 001 had almost concluded despite allegations of political interference.

“In Case 002, we have different lawyers, and they are trying to find a good argument to dismiss their client.

“The defence lawyers are professionals that protect their own client.”

Hun Sen’s cabinet chief Ho Sothy and Foreign Affairs Ministry spokesman Koy Kuong could not be reached for comment yesterday, while other officials listed in the complaint also could not be reached. Contact details for Sim Ka were not available.

Investigations into the court’s controversial third and fourth cases have been dogged by allegations of political influence, with government officials having publicly spoken out against prosecutions beyond Case 002.

Earlier this month, international Co-Investigating Judge Siegfried Blunk resigned from the United Nations-backed tribunal in response to statements from officials regarding cases 003 and 004, which he said would be “perceived as attempted interference”.

Judge Blunk’s resignation came amid a flurry of criticism after he and his Cambodian counterpart Judge You Bunleng closed the investigation into Case 003 in April, without having questioned the suspects or visited a number of alleged crime sites.

The UN has thus far resisted calls from court observers for an independent inquiry into allegations of political interference at the tribunal.

Visiting UN Under-Secretary General for Legal Affairs Patricia O’Brien urged the government earlier this week to “refrain from statements opposing the progress of cases 003 and 004” and from interfering in “any way whatsoever” with the judicial process.

In response to questions from the Post, spokesman for the UN Office of the Secretary General Martin Nesirky referred to Patricia O’Brien’s statement.