



KRT investigation overdue
Ou Virak
October 21, 2011

Dear Ms O'Brien,

This is an open letter to Patricia O'Brien, the United Nations under-secretary general for legal affairs, calling for an investigation into political interference at the Khmer Rouge tribunal.

I write to you as a Cambodian civil society leader and as a victim of the Khmer Rouge – my father having been murdered at the hands of that brutal regime – to encourage you to push for an investigation into allegations of political interference at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in light of the recent resignation of International Co-Investigating Judge Siegfried Blunk – the clearest indication to date that the operations of the ECCC are subject to executive control.

Since its inception, allegations of political interference – particularly with regard to Cases 003 and 004 – have bedeviled the ECCC and undermined its reputation as an institution capable of dispensing justice for the crimes committed during the Khmer Rouge era.

Despite repeated statements by members of the Cambodian government – including Prime Minister Hun Sen – that no cases beyond cases 001 and 002 would be permitted to proceed, no efforts have been made to date to uncover the extent of political interference at the ECCC and the effect of such interference on the integrity of the institution and the justice it seeks to dispense.

In his resignation announcement on October 10, Judge Blunk explained that he had taken up the position of International Co-Investigating Judge at the ECCC in the expectation that comments reportedly made by Prime Minister Hun Sen that cases 003 and 004 would “not be allowed” to proceed, did not represent government policy.

Judge Blunk explained, however, that his decision to resign had been reached as a result of numerous statements by government officials that indicated political interference in the investigations of cases 003 and 004.

Regardless of how much concern comments from members of the government have caused, the manner of Judge Blunk's resignation provides the clearest evidence to date that the operations of the ECCC, particularly with respect to the investigations into additional cases, are subject to government interference.

For government representatives to make public statements suggesting interference with judicial investigations is one thing, but for a judicial expert at the very centre of those investigations to outline his concerns about the investigations' integrity is all the more worrying.

The resignation of Judge Blunk has left the ECCC at a crossroads, and the very integrity of that institution will be determined by the steps that follow.

To date, fundamental concerns relating to the ECCC have been brushed aside by the United Nations, and by the international community that props up the tribunal, with the goal of putting the alleged leaders of the Khmer Rouge on trial apparently more important than the integrity of the institution that undertakes those trials.

Allegations of a "kickback" system involving national administration staff at the ECCC in 2009 eventually resulted in an investigation by the United Nations, but the findings of that investigation have never been published.

The United Nations' failure to adequately address the issue of corruption undermined public confidence in the ECCC.

A similar failure at this crucial point could fatally undermine the institution and any justice it seeks to dispense.

Your visit to Cambodia this week – coinciding as it does with the 20th anniversary of the Paris Peace Accords – represents an opportunity for the UN to make good on the promise of the international community to ensure justice for the Cambodian people.

It's a matter of utmost importance that the United Nations does not shirk its responsibility to the people of Cambodia at this juncture.

With the integrity of the ECCC at stake, public confidence in the court can be assured only by a full investigation into allegations of political interference, and by the publication of that investigation's findings.

Yours sincerely,

Ou Virak
President of the Cambodian Centre for Human Rights