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UN arrives for fresh KRouge court talks

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The UN's top legal official says the results of a review into corruption allegations will not be raised in meetings this week.

The UN's top legal officer spoke with key donors to Cambodia's war crimes court ahead of today's scheduled meeting with Deputy Prime Minister Sok An, but said the fallout from a UN probe into graft allegations at the tribunal would not be addressed.

"I'm not going to bring that issue up," Peter Taksoe-Jensen told the Post in an interview Sunday evening, referring to the findings of the review that was conducted last year by the UN's Office of Internal Oversight into claims that some Cambodian court employees were forced to kick back portions of their salaries to their bosses.

"As you know, one of the defence teams has filed a request for the court to look into this issue, and I understand that the court has made a decision," he said, referring to last month's request by Nuon Chea's defence team to release the probe's findings, and Friday's announcement by tribunal judges in response.

"[The] important task of watching over the reputation of the court and providing appropriate follow-up on the allegations of corruption ... is not within the mandate of the co-investigating judges, but rather of the Cambodian and United Nations authorities," the judges wrote, quashing a written request for release of the findings submitted by Nuon Chea's lawyers, which has the support of all defence teams bar one.

Taksoe-Jensen said the UN was currently "processing" a similar request from Nuon Chea's legal team to release the controversial findings.

Two other sets of lawyers, representing former Khmer Rouge foreign minister Ieng Sary and head of state Khieu Samphan, attempted to raise the corruption issue during court hearings last week but were muzzled by the judges.

Defence on the offensive

"I should keep silent because it's not good to be shooting at the wounded in ambulances, just like it's not good to be shooting at dying institutions," famed French attorney

Jacques Verges told the court in a seemingly prepared response to being told to be silent on the corruption issue.

Speaking at a bail hearing for Khieu Samphan on Friday, the lawyer, whose clients have included Venezuelan terrorist Carlos the Jackal and Nazi war criminal Klaus Barbie, also made reference to comments made earlier last week by Prime Minister Hun Sen, who said he would rather the UN-backed court fail than pursue more suspects for prosecution.

"In this sense, you are moral squatters," Verges said.

However, he was stopped by Australian judge Rowan Downing, who told him that it was not possible to talk about "a new issue" during proceedings in which he was supposed to be responding to prosecution arguments.

Defence lawyers for Ieng Sary were the first to bring up the issue on Thursday, when American lawyer Michael Karnavas was also told by international judges that the issue would not be discussed in that particular session. Taksoe-Jensen said that he felt "the defence lawyers are doing their job and we expect them to do that".

He said in his opinion, however, that talk of a court collapse was "far-fetched", maintaining that finances on the UN side were "healthy" and there was a strong willingness on the Cambodian side to not allow a lack of cash to impede judicial progress.

However, he conceded the link between the lingering graft allegations and the Cambodian side's funding difficulties was important.

"When these allegations were brought forward, the donors and also UNDP took steps on the basis of the allegations in the press, so there is in my view a link between the two issues," he said.

"Therefore we have the ambition to solve the issue tomorrow so that we can get back to what the court is really about."

Whistleblower protection

Amid the recent focus on the graft allegations, Taksoe-Jensen said the talks with Sok An would focus on establishing "a credible mechanism whereby all employees at the court would be able to report misconduct in a way in which they will not fear any interrogation".

The court's current whistle-blower protections on the Cambodian side have had little success.

"I can only say that it is very important for the UN that cases go forward which meet fair trial standards, and we are very certain that that is going to be the case," Taksoe-Jensen said.

"I've been assured by talking to the international judges today that they will only go forward if there will be a fair trial. And we will, and will only, back the court so long as we are in a position to make sure of this," he added.

Since the corruption allegations first surfaced in October 2007, Taksoe-Jensen has visited the Kingdom several times in a bid to hammer out a deal with the Cambodian government that would allow international donors - many of whom are now reluctant to fund the Cambodian side of the court - to resume payments.

Patricia Georget of the Office of Legal Affairs said the talks would deal with the "same issues as last time", but could not give more detail.

Sok An and Taksoe-Jensen last met in February, when both parties agreed to deal with the issue of corruption through their separate administrative channels. Court public affairs officer Helen Jarvis was unable to confirm Sunday what would be discussed today, saying there was "no official agenda".