

Allegations of Political Interference at ECCC: Overview

The Extraordinary Chambers in the Courts of Cambodia (ECCC) has long been plagued by concerns about political interference. At the heart of this controversy are allegations that the government of Cambodia is exerting undue influence which is dictating the decisions taken by the national co-prosecutor and the rest of the national staff of the ECCC. This controversy resurfaced in full force recently as the tribunal ended a nine month impasse by allowing the international co-prosecutor to officially request the investigation of additional suspects for crimes committed during the period of Democratic Kampuchea.

The dispute over additional criminal investigations officially came before the tribunal in December 2008 when the former international co-prosecutor, Robert Petit, filed a statement of disagreement between the two co-prosecutors with the Pre-Trial Chamber. He wanted to open judicial investigations into a number of additional Khmer Rouge leaders, but such an action was opposed by the national co-prosecutor, Chea Leang. Among several other legal arguments, she cited strong concerns for the peace and stability of Cambodia should such additional inquiries be carried out.

Critics argued that her position was not based upon a legitimate exertion of prosecutorial discretion but rather a direct result of political influence wielded by the government of Cambodia. The Prime Minister, Hun Sen, publicly criticized efforts to prosecute more than the five individuals currently on trial or scheduled for trial. He warned of possible social unrest and of a return to a civil war, suggesting that those who were in favor of additional prosecutions would be responsible for any new hostilities. He argued that a fragile peace formed when the Khmer Rouge was re-integrated into the government would be put in jeopardy as former members of the movement began to fear prosecution. However, the assertion that the country risks returning to civil war has been contested by many people who are familiar with the situation and who argue that there is nothing to suggest the possibility of an outbreak of a civil war...

Read more: [ctm_blog_10-5-2009](#)