

Cambodia judges' credibility questioned

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PHNOM PENH, Cambodia -- As preparations to try former Khmer Rouge leaders move forward, legal experts are concerned the dubious records of some Cambodian judges will cast doubt on the credibility of the country's war crimes tribunal.

Cambodia and the United Nations agreed in 2003, after years of negotiations, to establish the U.N.-backed tribunal to seek justice for the estimated 1.7 million people who died during the murderous 1975-79 rule of the communist Khmer Rouge.

This past week, King Norodom Sihamoni approved the appointment of 30 Cambodian and U.N.-chosen foreign judicial officials, and there are now hopes that trials can begin early next year for surviving Khmer Rouge leaders accused of genocide and crimes against humanity.

But some critics are worried because Cambodia's judiciary has had a reputation for incompetence, corruption and serving the government's political agenda.

The foreign jurists come from Australia, Austria, Canada, France, Japan, Poland, Sri Lanka, the Netherlands and the United States. Many have multiple law degrees and years of experience in international criminal justice, with two having served with the U.N. tribunal on war crimes and genocide in Kosovo.

The resumes of the Cambodian judges are threadbare by comparison, and their reputations shaky.

Their appointment "tarnishes right from the start the image of that tribunal, and because of that, it would lack public confidence and trust," said Lao Monghay, a Cambodian legal analyst working with the Hong Kong-based Asian Human Rights Commission.

Little information is available about the Cambodian judges other than the fact that most received law degrees in the former Soviet communist bloc - places such as East Germany, Russia, Kazakhstan and Vietnam - where carrying out the state's wishes counted more than impartiality.

One tribunal judge, army general Ney Thol, is president of the military court and member of the central committee of Prime Minister Hun

Sen's ruling Cambodian People's Party. He is best known for presiding at two major trials where Hun Sen's political opponents were convicted of national security-related crimes.

In 1998, Ney Thol sentenced Prince Norodom Ranariddh, leader of the royalist Funcinpec party, to 30 years in prison for weapons smuggling and conspiring with outlawed Khmer Rouge guerrillas. The trial was prompted mainly by Hun Sen's desire to neuter his main political rival, whom he had already ousted from his position as co-prime minister in a 1997 coup.

Last August, Ney Thol sentenced opposition lawmaker Cheam Channy to seven years in prison for trying to form an armed group to topple the government in another trial widely regarded as politically motivated. He was criticized for his conduct in the trial, during which he barred the defense from calling witnesses and from fully cross-examining prosecution witnesses.

Both opposition leaders were later freed by royal pardons.

Ney Thol said having been a judge since 1987 qualifies him for the Khmer Rouge tribunal. "I have gone through many short courses (of legal training) inside and outside the country," he said. "I am honored to be one of the appointees."

Another tribunal judge, Thou Mony, once overturned a lower court's guilty ruling against Hun Sen's nephew, who had been involved in a shooting spree in 2003 in which two people were killed and two others wounded.

"I am very proud to have been appointed," said the Cambodian appeals court judge, who was educated at the University of Leipzig in the former East Germany. "I had never dreamed of that."

David Scheffer, a former U.S. ambassador at large on war crimes issues, said the Cambodian judges will be watched carefully by the international community.

"If the performance of the judges begins to be called into question in a way that goes to the issue of their integrity, their independence ... then you can imagine at some point the United Nations would take a serious look at that in terms of their continued participation in the process," said Scheffer, now a visiting law professor at Northwestern University.

The government projects a shaky confidence in its judges.

Cambodian jurists "will try their best to meet international standards" in working with "their international counterparts of high caliber," Sean Visoth, the government-appointed tribunal's chief

administrator, said recently.