

## Duch trial resumes as corruption charges fester

Written by

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As you may have noticed, the tribunal (and I) have been on break for the Khmer New Year holiday. But after a one-week recess, the trial of "Comrade Duch" resumed Monday with testimony from former staffers at detention center M-13. Chan Voeun told the court Duch was "[happy like a madman](#)

" while torturing prisoners and that he had seen the torture chief burn a female detainee's breasts with a lit torch. Questioning of Chan Khorn, who was only around 14 or 15 when he worked for Duch at M-13, took up all of Tuesday's session, although, as

[Ka-set](#)

[pointed out in an interesting post](#)

, it's unclear how helpful either witness' testimony will be to the prosecution. Both seemed somewhat unsure of their answers and contradicted themselves at different points. (This may be partly due to audio translation issues, however, which I will address in an upcoming post.)

Meanwhile, outside of the courtroom the tribunal continues to be plagued by unresolved corruption allegations. Local NGOs released a statement April 17 (the anniversary of the Khmer Rouge takeover of Phnom Penh) demanding that all charges be thoroughly investigated, with results made available to the public.

The declaration from the Asian Human Rights Commission and Cambodian Center for Human Rights was prompted by a recent decision made by Co-Investigating Judges at the tribunal. On April 3, [they rejected a request from defense lawyers](#) to publicly release the findings of a UN corruption probe. Co-Investigating Judges claimed that investigating corruption was outside their jurisdiction.

"Given that other potential avenues of redress have recently been blocked, this decision has essentially put an end to the recourse available for addressing corruption," members of of AHRC and CCHR wrote in response.

More from the statement:

"Should institutional corruption be found to exist at the KRT -- and this now seems highly probable -- serious questions about the fairness of the trials would be raised. Corruption introduces an element of external control that affects both the tribunal's independence and the fairness of the trials -- a person paying kickbacks is not truly independent and impartial.

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Furthermore, the failure of the Cambodian government, the UN, and the national and international judges to properly address allegations of corruption has sent out a signal to Cambodians that corruption is tolerated and, when required, accountability disregarded. Impunity overrides accountability.

"Justice must not only be done but also be seen to be done. This issue of corruption, together with the widely reported sustained political interference, has very much undermined the dignity and reputation of the KRT, which it must have in order to assert its authority, maintain its credibility and win the public's trust. It casts doubt on the fairness of its trials, and this is unacceptable for a very costly tribunal which is expected to be 'a new role model for court operations in Cambodia.'"