



Calls to Dismiss Cartwright from Tribunal
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Dame Silvia Cartwright is once again at the centre of a controversy in Cambodia, as defence lawyers call for her to be immediately disqualified from the Khmer Rouge Tribunal.

The same calls were made late last year as it surfaced that Cartwright, who is acting as a judge on the trial, had been holding informal meetings with prosecutors.

Defence lawyers for Ieng Sary, one of four people currently on trial, last week made new calls for Cartwright to be disqualified.

Lawyers Ang Udom and Michael Karna Vas asked for her to be stood down after they received an email from Cartwright last month, which was not intended for them.

In a document they sent to the Trial Chamber judges, co-prosecutors, defence teams and civil parties, they said Cartwright accidentally sent an email to all staff at the Extraordinary Chambers in the Courts of Cambodia, the special court which was instated to manage the trial of Khmer Rouge leaders.

The Khmer Rouge was responsible for the deaths of 1.2 to 2 million people between 1975 and 1979. One in four Cambodians were killed. Whole families were wiped out.

Udon and Vas said Cartwright's email read: "Of course I was only trying to see the lighter side. As you know Andrew, I am seriously considering my own position. I shall not make a hasty decision."

The Andrew she was referring to is believed to be international co-prosecutor Andrew Cayley.

"For Judge Cartwright to offer International Co-Prosecutor Cayley asymmetrical access to her proposed reaction to appellate jurisprudence in Case 002 shows that she is biased in favour of the Officers of the Co Prosecutors (OCP), or at a minimum gives rise to an appearance of bias," the lawyers wrote.

Cartwright has been in Cambodia since 2008 and is one of two international judges who sit with three Cambodian judges in the Trial Chamber.

The Supreme Court Chamber has stated that ex parte meetings between a prosecutor and trial judge "may create the appearance of asymmetrical access enjoyed by the prosecutor to the trial judge," and may give rise to applications for a judge's disqualification, the defence lawyers said.

They said Cartwright had ignored the chamber's statement.

Earlier this year Cartwright admitted that she had met informally with the prosecution team but said she had little choice.

The Defence Counsel "put more emphasis on disruption than representing their clients," she told Fairfax.

"It's a very common strategy by Defence Counsel. There's been an application to accuse me twice, once as a member of the entire tribunal and once personally and there have been other applications to accuse the president, who is Cambodian, and other Cambodian judges."

She was asked by the UN two years ago to hold regular meetings with various parties to discuss "governance" issues.

"I resisted for some time but realised it was essential so we meet to discuss such crucial issues as the budget for the court, staff issues, problems with IT, those sorts of things. Largely management issues that affect the conduct of the trial."