



Open Society Justice Initiative

Cambodia: Dispute Over Judge Threatens Khmer Rouge Tribunal February 23, 2012

Press Release

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A continuing dispute at the Khmer Rouge tribunal in Cambodia now presents a threat to the future work of the court, even as it tries the three surviving top leaders of the group which controlled Cambodia from 1975 to 1979, according to a new report by the Open Society Justice Initiative.

In its latest report on developments at the court, covering events since October, the Justice Initiative said that Cambodia's continued opposition to the appointment of Judge Laurent Kasper-Ansermet as international co-investigating judge at the tribunal "must be addressed immediately, before it does permanent, perhaps fatal, damage to the court".

The report calls on both the United Nations and international donors "to publicly and privately insist that the Royal Government of Cambodia immediately endorse Judge Laurent Kasper-Ansermet's appointment".

Judge Kasper-Ansermet took over from his predecessor Judge Siegfried Blunk in October last year, when Judge Blunk resigned complaining of political interference in his work. Cambodia has refused to acknowledge Judge Kasper-Ansermet's appointment, in breach of the 2003 agreement with the UN that set up the court, known as the Extraordinary Chambers in the Courts of Cambodia, which uses both Cambodian and international judges and staff.

The Justice Initiative is urging the UN and donors to ensure that there is adequate logistical and staffing support for Judge Kasper-Ansermet's investigations into two outstanding cases involving five former Khmer Rouge officials, known as Cases 003 and 004. Cambodian government officials have repeatedly said that the court should end its work when it completes the trials of three surviving top Khmer Rouge leaders (Case 002).

It also urged the UN to monitor the Cambodian government's compliance with the terms of the 2003 agreement, noting that article 28 envisages withdrawal if Cambodia is "causing [the court] to function in a manner that does not conform with the terms of the [...] Agreement."

James A. Goldston, executive director of the Open Society Justice Initiative, said the continuing conflict over Judge Laurent Kasper-Ansermet and Cases 003 and 004 threatened to undermine the credibility of the court.

“Judge Kasper-Ansermet must be able to pursue a proper investigation of Cases 003 and 004, to deliver justice for the victims and survivors of the Khmer Rouge. Failure to proceed because of political interference would tarnish the tribunal’s record, and undermine its legacy for the broader rule of law in Cambodia.”

In addition to the conflict of the co-investigating judge, the 34-page report covers the appeal judgment in the court’s first case against Kang Guek Eav, aka Duch, who ran the Khmer Rouge’s notorious S-21 torture and detention center in Phnom Penh. It also reviews progress in the trial of the three surviving top Khmer Rouge leaders - Nuon Chea, Khieu Samphan and Ieng Sary - and the decision to rule a fourth defendant, Ieng Thirith, unfit for trial.

The Open Society Justice Initiative has maintained a court monitor in Phnom Penh since before the tribunal, known as the Extraordinary Chambers in the Courts of Cambodia, launched its first case in 2007.