

Disorder in the court

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The investigating judges at the Khmer Rouge tribunal have acknowledged that staffers have left their office amid discontent over their handling of the court's controversial third case.

The admission follows the abrupt closure of the Case 003 investigation in April, and confirms rumours of discord within the Office of the Co-Investigating Judges. The judges closed their Case 003 probe despite the fact that they had yet to examine a number of alleged crime sites in the case, or even to question the suspects, fuelling allegations that they had deliberately scuttled their investigation under pressure from the Cambodian government.

In a statement released late yesterday afternoon, co-investigating judges Siegfried Blunk of Germany and You Bunleng of Cambodia acknowledged frustrations among former investigating staff, though they remained defiant in asserting their responsibility over the case.

“In view of questions by the media regarding recent attempts by certain OCIJ staff members who have obtained new jobs outside of OCIJ to portray their departure as ‘resignation’ in protest over the CIJs’ decision to close investigations in Case 003, the CIJs emphasize that they welcome the departure of all staff members who ignore the sole responsibility of the CIJs in this issue,” the judges said.

“The CIJs also emphasize that they are able to deal with Cases 003 and 004 in a competent and timely manner with remaining staff members, supplemented if necessary by short-term contractors.”

A source at the court working outside the investigating judges’ office said yesterday that three long-term foreign members of staff from the OCIJ had quit their jobs since the close of the Case 003 investigation in April.

“Three people have left. They have resigned before their contracts were due to expire. I know that this is indeed because of discontent with the policies of the German CIJ, and I know that people who have stayed on and are staying on are unhappy,” the source said, speaking on the condition of anonymity. “I know that for a fact.”

The source added that concern was “totally widespread” within the court about the prospect that the judges, and Blunk in particular, may have ignored their legal obligations

and sabotaged the case.

“The concern is very much widespread, and I would think that it all seems to revolve around this one person, Judge Blunk – nobody seems to understand what’s driving him,” the source said.

“Whether it’s his personality or outside influences, we don’t know.”

The source’s account was corroborated by two other court staffers working in a separate office.

Yesterday’s message from the investigating judges was in keeping with the hostile tone they have adopted in recent public statements.

On Thursday, they accused a “disloyal” court staff member of leaking a confidential document that names the suspects in Case 003 – former KR navy commander Meas Mut and air force commander Sou Met – and outlines the extensive evidence against them. Members of the media who report on the document, the judges added, may be “liable to be subjected to proceedings for Interference with the administration of justice”.

Meas Mut and Sou Met are thought to have been responsible for thousands of deaths, and prosecutors have called for their arrest.

The judges have rejected requests by British co-prosecutor Andrew Cayley that they question the suspects and investigate the case further.

The judges rebuked Cayley for listing these requests in a public statement last month, accusing him of breaching confidentiality rules.

Blunk and You Bunleng also lashed out last month following a report in the International Justice Tribune that was critical of their handling of Case 003, branding the article’s charges “baseless” and “nonsensical”.

“The co-investigating judges have worked independently from outside interference, will continue to resist all such attempts, and are resolved to defend their independence against outside interference,” Blunk and You Bunleng said at the time.

But observers said yesterday’s statement provided further evidence that the judges might be submitting to the will of the Cambodian government, which opposes prosecutions beyond the court’s pending second case.

“The fact that people are resigning ... show[s] that there are really serious-minded people working at the court who are trying to do their jobs, so it’s a shame the co-investigating judges are really undermining the legitimacy of the whole court,” Anne Heindel, a legal adviser at the Documentation Centre of Cambodia, said.

She called for the United Nations to intervene at the tribunal to address the matter.

“I’d like the UN to be more than ashamed of itself,” Heindel said.

“I’d like it to take some action. Its mandate to assist this court is being undermined, and it should step in.”