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Judge Rejection ‘A Breach’
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Cambodia has breached its agreement with the United Nations by refusing to appoint the UN-nominated investigating judge at the Khmer Rouge tribunal, UN Secretary-General Ban Ki-moon’s spokesman said over the weekend.

The UN voiced “serious concern” in a statement released in New York on Friday over Cambodia’s “unfounded” rejection of Swiss judge Laurent Kasper-Ansermet. “The Royal Government of Cambodia raised ethical concerns in relation to Judge Kasper-Ansermet in November 2011,” spokesman Martin Nesirky said in a statement.

“The United Nations thoroughly reviewed the concerns, determined that they were unfounded, and requested that the Supreme Council of the Magistracy proceed with his appointment,” Nesirky said. “Cambodia should take immediate steps to appoint [Kasper-Ansermet] as International Co-Investigating Judge.”

Tomorrow, the UN’s newly appointed Special Expert at the tribunal, David Scheffer, will meet with Deputy Prime Minister Sok An, who chairs the Royal Government’s taskforce on the ECCC.

“Deputy Prime Minister Sok An is scheduled to hold bilateral talks with the newly appointed Special Expert at the ECCC, David Scheffer,” Press and Quick Reaction Unit vice-president Keo Remy told the Post.

“I regret the comments made by [Nesirky] ... as he did not look at all corners [of the agreement between Cambodia and the UN],” Keo Remy said.

“Especially, his comments should not have been made before the meeting between David Scheffer and Deputy Prime Minister Sok An – from the Cambodian side, we respect the agreement and have not made any comments before this high-level meeting.”

Court spokesman Lars Olsen told the Post that Scheffer was meeting with several government and ECCC officials during his visit, the first in his new role.

When asked about the purpose of these meetings, Olsen referred to the UN’s weekend statement.

The Cambodian Supreme Council of the Magistracy met on January 13 and, despite an obligation to rubber-stamp the UN’s nominee under the 2003 agreement that created the

tribunal, refused to appoint him.

The council delivered their decision last Wednesday to Deputy Prime Minister Sok An, who chairs the government's task force on the tribunal, Justice Minister Ang Vong Vathana told the Post last week.

The government's "ethical" concerns relating to Kasper-Ansermet reportedly include his use of social-media site Twitter, which the Swiss national has used to evince his determination to investigate controversial cases 003 and 004, which are opposed by the government.

On Thursday, Human Rights Watch's Phil Roberston told the Post that concerns about Kasper-Ansermet's use of Twitter were "not legitimate".

Supreme Council of the Magistracy members could not be contacted for comment about the rejection of Kasper-Ansermet yesterday.

Open Society Justice Initiative's Clair Duffy told the Post yesterday that the government's "ethical" concern with the appointment of Kasper-Ansermet is "just another chapter in the Case 003/004 saga that's engulfed this court for years now".

"I think the Cambodian government vetoing a UN judicial appointee is a seriously low point in the Case 003/004 saga," Duffy said by email yesterday. "I would urge the UN and donors to demand that the government unequivocally cooperate on Cases 003/004. The future of this court depends upon good faith cooperation of the government in respect of all cases."

Council members include the tribunal's Cambodian co-prosecutor Chea Leang, who has voiced her opposition to cases 003 and 004 because she believes the suspects fall outside the tribunal's jurisdiction and the Cambodian/UN agreement envisaged the prosecution of a "limited number of people".

Cambodian co-investigating judge You Bunleng also sits on the Council. The failure of Bunleng, and his former co-investigating judge Siegfried Blunk, to conduct proper investigations into cases 003 and 004, was the subject of a letter from staff who had quit in protest to the UN in May last year.

Blunk and Bunleng abruptly closed investigations into Case 003 in April. Blunk later resigned in October.

Kasper-Ansermet told the Post last week that he had reached several important decisions on cases 003 and 004, but was effectively "walking in shackles".