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**Judge's OK an 'obligation', UN Says**

**Bridget Di Certo with additional reporting by Mary Kozlovski**

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The United Nations yesterday said Cambodia is “under an obligation” to appoint the Khmer Rouge tribunal’s reserve co-investigating judge, a day after the government denied any such obligation exists.

Martin Nesirky, spokesman for UN Secretary-General Ban Ki-Moon, told the Post that pursuant to the 2003 Agreement between Cambodia and the UN establishing the tribunal, there is an “obligation” on Cambodia to appoint the UN’s nominee, Laurent Kasper-Ansermet, as international co-investigating judge.

“We continue to call upon Cambodia to fulfill its obligation under the Agreement,” Nesirky said.

On Monday, the Council of Ministers’ Press and Quick Reaction Unit called a snap press conference to chastise media and rights groups for reporting that Cambodia “must” appoint Kasper-Ansermet.

The government has taken the position that the Supreme Council of Magistracy, a national body that appoints and disciplines national judges, is entitled to make a “decision” about the appointment of Kasper-Ansermet. Until he is appointed, investigations into cases 003 and 004, which are opposed by many high-ranking government officials, are effectively paralysed.

Amid concerns over judicial independence and the fate of cases 003 and 004 at the court, the UN has appointed American lawyer David Scheffer as Special Expert at the court, tribunal spokesman Lars Olsen confirmed yesterday. Scheffer served as the US’s first Ambassador at Large for War Crimes under the Clinton administration and is a long-term ECCC observer.

Previously, the Special Expert has been involved in such areas as the drafting of anti-corruption measures and fundraising.