



Khmer Rouge Investigation to Continue, Authority Questioned February 13, 2012

Investigations into a scheduled case at Cambodia's war crimes tribunal can resume, documents released Monday showed.

Judge Laurent Kasper-Ansermet ruled in December that the Khmer Rouge Tribunal's third case, which senior Cambodian officials have repeatedly said will not be allowed to reach trial, should be reopened. But the international judge's authority is disputed.

In January, the United Nations accused Cambodia of breaching a 2003 agreement on the prosecutions when the judiciary decided not to approve him as co-investigating judge because of concerns over his use of Twitter.

The UN said Kasper-Ansermet can continue his work, but Cambodian co-investigating judge You Bunleng has not recognised his authority.

The newly released document, dated February 10, said the court's pre-trial chamber had failed to reach a decision on the disagreement between the two judges over whether to open Case 003.

According to the court's rules, that meant that 'the default decision shall be that the order or investigative act done by one co-investigating judge shall stand.'

The decision to close the investigations without interviewing suspects or inspecting alleged crime sites drew widespread criticism in April. At the time, international prosecutor Andrew Cayley appealed against the closure citing a litany of judicial failures.