

Khmer Rouge tribunal judges split once more
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Divisions between the national and international judges at the Khmer Rouge tribunal's Pre-Trial Chamber surfaced in another decision relating to Case 003 published yesterday.

The Pre-Trial Chamber's deliberations regarding International Co-Prosecutor Andrew Cayley's request for further investigative action in the tribunal's controversial Case 003 revealed the national and international judges had incompatible interpretations of the fundamental rules of the court.

The three national judges approved the actions of National Co-Prosecutor Chea Leang, who opposes cases 003 and 004, while the two international judges aligned their support with the actions of Cayley, who has advocated strongly for full investigations into Case 003.

Because there was not a four-judge majority in the Pre-Trial Chamber on Cayley's appeal against the co-investigating judges' actions in Case 003, existing decisions from the Office of the Co-Investigating Judges stand.

Those decisions refuse further investigative action in cases 003 and 004 and deny civil-party applicants.

This is the second time in two weeks that a dichotomy of opinion has paralysed the Pre-Trial Chamber judges.

Last Wednesday, the chamber split down national and international lines over the rejection of New Zealander Rob Hamill's civil party application by the Office of the Co-Investigating Judges.

The two international judges identified major professional failings of the co-investigating judges, including backdating and altering documents.

The three national judges found there had been no infringement of victims' rights.

Again, because no four-judge majority could be reached, the decision of the Co-Investigating Judges stood.

International Co-Investigating Judge Siegfried Blunk left the tribunal last month, citing government pressure to kill cases 003 and 004. National Co-Investigating Judge You

Bunleng issued a statement two days later stating he had been and would continue to act independently and free from interference.

Amid the crisis of credibility at the tribunal, the UN's top international lawyer, Patricia O'Brien, visited Cambodian Deputy Prime Minister Sok An two weeks ago.

O'Brien said she strongly urged the Royal Government of Cambodia "to refrain from statements opposing the progress of cases 003 and 004 and to refrain from interfering in any way whatsoever with the judicial process".