



## **Khmer Trial Judge in Email Gaffe** **May 3, 2012**

New Zealand Judge Silvia Cartwright should be disqualified, defence teams said, after a misfired email stirred accusations she had "inappropriate" access to a prosecutor. Judge Cartwright is the former Governor-General of New Zealand.

Judge Cartwright and prosecutor Andrew Cayley were last month warned by the UN-backed court's highest body that their trial management meetings could give the appearance they had privileged access to each other.

But the pair apparently continued to talk privately, according to an email meant for Mr Cayley which the judge accidentally sent to the entire court staff yesterday.

In the email, published on the court's website, Judge Cartwright wrote: "As you know Andrew, I am seriously considering my own position. I shall not make a hasty ydecision (sic)."

Both play key roles in the trial of three senior ex-Khmer Rouge leaders who deny charges of war crimes, genocide and crimes against humanity under the 1975-1979 regime blamed for the deaths of up to two million people.

"I filed an application to disqualify her," said Michael Karnavas, who is defending former foreign minister Ieng Sary.

"The nature of Judge Cartwright's association with international co-prosecutor Cayley shows actual bias or, at a minimum, the appearance of bias," he wrote in a motion dated April 27.

He added that the email showed Judge Cartwright - one of five judges in the trial - communicated with Mr Cayley even after supreme court chamber judges deemed it "inappropriate".

Judge Cartwright did not wish to comment but defence lawyers for co-accused "Brother Number Two" Nuon Chea joined calls for her dismissal.

"We support the Ieng Sary team's motion," said lawyer Andrew Ianuzzi.

Court insiders were divided over how to interpret Judge Cartwright's words, with some sources saying they appeared to show she was considering leaving the court, while others said they merely referred to her stance on the meetings.

The tribunal has been hit by a string of problems recently including financial woes and the resignation of two judges over political meddling.

Swiss investigating judge Laurent Kasper-Ansermet, who quit in March, leaves the court on Friday. The UN has yet to announce his replacement.

The court has so far completed just one case, sentencing a former prison chief to life in jail for overseeing the deaths of 15,000 people.