



More Discord Emerges in Office of Investigating Judges

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Judge Laurent Kasper-Ansermet was appointed as Reserve Co-Investigating Judge on 1 December 2010.

The international and Cambodian investigating judges found themselves in a new controversy at the beleaguered Khmer Rouge tribunal Monday, as the newly appointed UN judge issued a statement decrying his counterpart's refusal to publicly release information pertaining to two controversial cases.

The UN reserve judge, Laurent Kasper-Ansermet was appointed to the investigating judge position by the UN to replace a German judge who resigned earlier this year amid heavy criticism that he and his counterpart You Bunleng were mishandling cases 003 and 004 at the court. He has not been officially appointed by the government.

Still, Kasper-Ansermet issued a press statement Monday saying he “regrets” judge You Bunleng’s refusal to “keep the public sufficiently informed about major developments” in those cases.

Kasper-Ansermet, who remains a reserve investigating judge until his position is formally approved, said late Monday he had submitted decisions in December that have not been made public, because the publication of decisions requires joint authorization by both the international and national judges of the office.

Hours later, judge You Bunleng issued his own statement, saying that Kasper-Ansermet’s communiqué had been made on a Cambodian holiday, “which reflects an intention to conceal it from the knowledge of all national sides.”

Kasper-Ansermet “does not have legal accreditation to undertake any procedural action or measure” regarding cases at the tribunal, You Bunleng said.

He expressed “deep disappointment” in what he called a lack of “mutual understanding and consideration of the legal principles and common practices” of the court. He said Kasper-Ansermet had acted “as on outreach officer, rather than a judicial one.”

The dueling public statements further underscore ongoing divisions at the court, which has come under heavy criticism for its handling of cases 003 and 004.

Together, the cases would require indictments of five additional Khmer Rouge figures. Such a move are strongly opposed by Prime Minister Hun Sen and other senior officials.

Tribunal spokesman Lars Olsen declined to elaborate on the statements. Court spokesman Neth Pheaktra called the statements “a legal interpretation.”

However, genocide researcher Chhang Youk, who closely monitors the court, said the statements were a reflection of “non-cooperation” between both judges that could harm the court’s reputation.

Chhang Youk and others have requested a thorough investigation into the practices of the investigating judges’ office, following allegations it mishandled cases 003 and 004 and in the wake of resignations of key staff and of judge Siegfried Blunk.

Chhang Youk said the lingering questions over the office need to be put to rest.

“If we do not settle it, it will continue,” he said.

Meanwhile, the court is moving forward on a trial of three Khmer Rouge leaders, and the presiding judge of the Trial Chamber on Monday ordered a further examination of a fourth leader, Ieng Thirith, who has been found mentally unfit to stand trial.

Judge Nil Nonn said Monday Ieng Thirith, who was the former social affairs minister, is being held in “provisional detention” until a new evaluation of her mental fitness is made.