

Outgoing consultant blasts tribunal judges

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A consultant to the investigating judges at the Khmer Rouge tribunal spoke of the “toxic atmosphere” within the “professionally dysfunctional” office in resigning in protest last month over the handling of the court’s controversial third case.

The news follows a public statement issued by the investigating judges on Sunday acknowledging that multiple staffers from their office had left amid disagreements over the Case 003 investigation, which was closed in April and appears to have been scuttled amid opposition from the Cambodian government. In a resignation letter dated May 5 and addressed to German co-investigating judge Siegfried Blunk, Stephen Heder, a noted historian of the Khmer Rouge period, said he and others in the office had become increasingly disillusioned with the judges’ action in the case.

“In view of the judges’ decision to close the investigation into Case File 003 effectively without investigating it, which I, like others, believe was unreasonable; in view of the UN staff’s evidently growing lack of confidence in your leadership, which I share; and in view of the toxic atmosphere of mutual mistrust generated by your management of what is now a professionally dysfunctional office, I have concluded that no good use can or will be made of my consultancy services,” Heder wrote. He declined to comment yesterday beyond the resignation letter.

In response to the resignations of Heder and at least three foreign staff members from the office, Blunk and his Cambodian counterpart, You Bunleng, said on Sunday that they “welcome the departure of all staff members who ignore the sole responsibility of the [co-investigating judges]” over Case 003.

The suspects in this case remain officially confidential, though court documents reveal them as former KR navy commander Meas Mut and air force commander Sou Met, men thought to be responsible for thousands of deaths.

Blunk and You Bunleng have evinced a siege mentality in their public statements in recent weeks, lashing out at those who have questioned their professional behaviour.

Last month, the judges ordered international co-prosecutor Andrew Cayley to retract a statement he had made outlining further investigative steps he planned to request in Case 003, as he is permitted to do under court rules.

The judges accused Cayley of breaching the court’s confidentiality rules in an order that

Cayley has appealed. They have since rejected his investigative requests.

Yesterday, the tribunal's Pre-Trial Chamber ruled in a unanimous decision that this retraction order, which Blunk and You Bunleng had stipulated be carried out within three days, be suspended pending a final decision on Cayley's appeal.

In their decision, the Pre-Trial Chamber judges noted that "the information the Co-Investigating Judges ask the International Co-Prosecutor to retract is quoted in the Order issued by the Co-Investigating Judges".

"As such, the information will remain in the public domain even if it is 'retracted' by the Co-Prosecutors," the Pre-Trial Chamber said.

The Pre-Trial Chamber judges have historically split in ruling on matters related to cases 003 and 004, with the Cambodian judges opposing the cases and the international judges in favour. Clair Duffy, a trial monitor with the Open Society Justice Initiative, said "reason has prevailed" with yesterday's decision, though she cautioned that it was still too early to say whether the chamber will reverse Blunk and You Bunleng's rejection of the requests for additional investigation in Case 003.