

**Khmer Rouge Court Judge's Request Dead
Bridget Di Certo
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Extended investigations requested by former UN investigating judge Laurent Kasper-Ansermet would not proceed at the Khmer Rouge tribunal, co-prosecutors said yesterday.

The investigations, relating to alleged Democratic Kampuchea incursions into Vietnam, “were already investigated as part of Case 002” and “bear no relation to the crime sites in Case 003”, Chea Leang and Andrew Cayley said.

“Accordingly, the Co-Prosecutors have respectfully declined to seise the Co-Investigating Judges of these alleged new facts,” they said, adding that they had considered the gravity of the crimes, the scope of the current investigation and “the importance of prioritising the efficient completion of ongoing investigations and trial proceedings before the ECCC”.

On his final day in office, Kasper-Ansermet issued a “forwarding order” saying he had discovered “new facts” in Case 003 that, in his view, required investigation.

According to a report in the Australian newspaper *The Age*, these “new facts” concerned atrocities committed against Vietnamese villages and civilians.

According to the report, National Assembly president Heng Samrin and Senate president Chea Sim were named as key witnesses in the forwarding order. Cambodian Army chief Pol Sareoun and senator Ouk Bunchhoun were also listed as persons of interest, according to reports.

“Various press reports have incorrectly and misleadingly identified individuals as potential targets of investigation,” the co-prosecutors said, adding that they had sought judicial authorisation to publicly comment on the forwarding order, which was marked confidential.

Heng Samrin, Chea Sim and Ouk Bunchhoun were previously summonsed for questioning in relation to investigations into Case 002 but never appeared.

The defence team for Brother No 2 Nuon Chea have long sought the testimony of these ruling Cambodian People's Party officials in connection with the case against their client.

Michiel Pestman, defence counsel for Nuon Chea said the investigations into Case 002 were known to have not been conducted properly.

“It cannot have been a proper investigation. The beginning of an investigation, maybe, not more than that. That is also why it is so important that they are heard by the trial chamber, to fill in the gaps left in our judicial investigation,” he told the Post yesterday via email.

Documentation Center of Cambodia legal adviser Anne Heindel said the issues about conflict with Vietnam during the Khmer Rouge regime had been raised in a general way in Case 002 investigations.

“If you are talking about an attack on this specific village or that village, the reality is that the court is not able to address specific-fact situations like that,” Heindel said.

“Even in Case 002, the reality of the split indictment is that there are so many important crimes sites that are likely not to be addressed [by the court].

“Case 002 is extremely young at this point, and we don’t even know if a second split trial will happen.”

Heindel said the scope of the court’s mandate and resources were very real issues limiting the court’s ability to broaden its workload.

“The court already has too much on its plate,” she said.

Prosecutors identified “the importance of prioritising the efficient completion of ongoing investigations” as key in their considerations to reject expanding Case 003.

The UN-backed tribunal itself is in the midst of perhaps the worst funding crisis it has yet faced.

When contacted by the Post last week, UN Special Expert for the tribunal David Scheffer said there had been “some progress” in garnering financial assistance for the tribunal’s operations.

The international side faces the imminent prospect of having funds run dry.

Earlier this year, the Cambodian side went through its own dire financial stretch, with national staff going without salary for months.

“Several nations have stepped forward with new funding, but we remain about US\$25 million short on the international budget of about \$35 million for 2012,” Scheffer said.