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## **Scheffer Line Irks Observers**

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A statement made by UN-appointed Special Expert David Scheffer this week is causing raised eyebrows among Khmer Rouge tribunal observers.

Speaking to Voice of America, Scheffer was quoted as saying the problems plaguing investigations into the two government-opposed cases at the tribunal could be overcome by a new international judge who had “greater co-operation with the government”.

Among those taking note of the statement was the Swiss investigating judge who resigned from the court after being blocked by the government from taking up his post at the tribunal.

“New judge perhaps can deal with a sense of ‘greater co-operation with the government’,” former reserve international co-investigating judge Laurent Kasper-Ansermet tweeted yesterday with a link to the VOA article.

Kasper-Ansermet’s use of the social-media website was the core “ethical” reason Cambodia’s Supreme Council of Magistracy pointed to in blocking his appointment as a replacement for German judge Siegfried Blunk, who also quit the court citing perceptions of government interference in his work.

Scheffer has since submitted the names of two new judges to staff the troubled office to the Cambodian government and their appointments have been approved, although neither has taken up office yet.

Open Society Justice Initiative’s trial monitor Clair Duffy said the focus of the incoming judges should “not be about appeasing the Cambodian government, but rather about fulfilling [their] judicial obligations to genuinely and impartially investigate Cases 003 and 004”.

“The government is obliged to co-operate with the judges’ orders and decisions, and to give effect to them where necessary – not the other way around,” Duffy said in an email.

Blunk had come under fire from civil society for appearing to toe the government line in

cases 003 and 004, and judges at the tribunal found serious deficiencies with his investigative work.

“As for judicial officers co-operating with the government, we have already seen the negative damage done to the ECCC’s legacy by Judge Blunk ... This is not a good role model for the new judge,” Duffy highlighted.

“Although everyone hopes things will go better this time, in my view there is absolutely no evidence that the political opposition to genuine investigations in Cases 003/004 has abated.”

Government spokesmen contacted by the Post said they could not comment on tribunal matters.

Scheffer did not respond to requests for comment.