



**Public Row Erupts Between Tribunal Judges  
Reporters  
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More controversy has emerged at the Khmer Rouge tribunal, with an international Swiss judge calling for a Cambodian judge to step away from decisions regarding two controversial cases at the court.

Late Thursday, Swiss reserve judge, Laurent Kasper-Ansermet, who the Cambodian government has refused to officially approve, said in a statement that the head of the Pre Trial Chamber, judge Prak Kimsan, had failed in some of his main procedural duties regarding cases 003 and 004.

On Friday, Kasper-Ansermet's counterpart, You Bunleng, issued his own statement, saying the Swiss judge's statement was meant to "confuse public opinion."

The two statements are an escalation of a series of public splits between Cambodian and international judges at the UN-backed court, which is currently trying three Khmer Rouge leaders.

The latest row comes after Kasper-Ansermet took on duties as the investigating judge in December and filed with the Pre-Trial Chamber to continue investigating two controversial cases before the court.

Cases 003 and 004 would require five more indictments of Khmer Rouge suspects and are strongly opposed by Prime Minister Hun Sen and other senior government officials.

Pre-trial judge Prak Kimsan rejected the filing on the grounds that Kasper-Ansermet's appointment has not been approved by the Cambodian government's judicial oversight body, the Supreme Council of Magistracy.

And that is where the major disagreement lies. The UN and Kasper-Ansermet say he does not need approval from the council to conduct duties as international investigating judge. Cambodian officials disagree.

Kasper-Ansermet said in his official statement Thursday that under UN agreements he was "under the legal obligation to investigate" both cases, which were handed up from the international prosecutor in 2008.

Kasper-Ansermet also said he "enjoys full legal authority to undertake his functions regardless of the Supreme Council of Magistracy's rejection of his appointment as standing co-investigating judge."

Kasper-Ansermet said Prak Kimsan failed to move his requests forward.

“This situation raises serious concerns about the lack of impartiality of Mr. Prak Kimsan,” he wrote. “On these grounds, an application for his disqualification was submitted to the Pre-Trial Chamber calling upon Mr Prak Kimsan to step down voluntarily from any proceedings related to [cases 003 and 004].”

Prak Kimsan has not responded to the charges.

However, in a statement Friday, Cambodian investigating judge You Bunleng said Kasper-Ansermet’s references to UN-Cambodian agreements were “an exaggeration.”

Reserve judges must be “legally accredited,” he wrote, without specifying whether this meant by Cambodian or international norms.

“Mr. Laurent Kasper Ansermet’s actions reflect his lack of knowledge of and respect for the Internal Rules and the legal principles governing procedures applied so far at the ECCC, and hence leads the National Co-Investigating Judge to doubt the real motives for his obstinacy and disrespect of the Law and the Internal Rules of the ECCC,” You Bunleng wrote.

The ongoing disagreements within the court have fueled widespread concerns the tribunal will only complete two cases, at a cost of nearly \$200 million.

Tribunal spokesman Neth Pheaktra attributed the disagreement to an “interpretation of the law.”

However, Clair Duffy, a tribunal monitor for the Open Society Justice Initiative, called for an end “to this political fighting,” and urged the government and You Bunleng should allow Kasper-Ansermet “to do his job.”