



Radio Free Asia

15 YEARS OF BRINGING FREE PRESS TO CLOSED SOCIETIES

Trial Expert Set for Cambodia Talks **January 23, 2012**

A U.N. expert is to hold talks with Cambodian officials this week after Phnom Penh rejected the choice of a new judge to the international Khmer Rouge Tribunal in an apparent breach of an agreement on prosecuting ex-officials of the notorious regime.

American David Scheffer, the Special Expert on the United Nations Assistance to the Khmer Rouge Trials, will hold "discussions with the government and senior officials of the Extraordinary Chambers in the Courts of Cambodia," said Martin Nesirky, spokesman for U.N. Secretary-General Ban Ki Moon.

The Cambodian government on Monday refused to reconsider its veto of Swiss Laurent Kasper-Ansermet as international co-investigating judge at the Khmer Rouge Tribunal, which is officially known as the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Last week, Cambodia's Supreme Council of the Magistracy decided not to appoint Kasper-Ansermet as a joint investigating judge.

"This is a matter of serious concern," Nesirky said at the weekend.

"The decision is a breach of article 5, paragraph 6, of the Agreement between the United Nations and the Royal Government of Cambodia Concerning the Prosecution under Cambodian Law of Crimes Committed During the Period of Democratic Kampuchea, done at Phnom Penh on June 6, 2003," he said.

The provision, he said, "states unequivocally that 'in case there is a vacancy or a need to fill the post of the international co-investigating judge, the person appointed to fill this post must be the reserve international co-investigating judge'."

In rejecting the U.N. choice, Cambodian officials said Kasper-Ansermet had used his Twitter account to draw attention to the debate on whether the tribunal should try two former Khmer Rouge military commanders.

The U.N. called the concerns "unfounded."

But a Cambodian government spokesman defended the decision, saying U.N. officials did not fully understand Cambodia's rights according to the 2003 pact.

"It is the authority of the Supreme Council of Magistracy whether or not to appoint him,"

Keo Remy said.

"It's important that there is integrity between ourselves: that the U.N. respects Cambodia's integrity and Cambodia respects the U.N.'s integrity," he added.

Trial obstacles

Kasper-Ansermet was meant to replace German judge Siegfried Blunk who resigned last October, citing political interference. Blunk had blocked moves to pursue the two cases without giving an explanation.

Scheffer, expected to discuss the latest issue with Cambodian officials, was involved in the establishment of the ECCC, the International Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Criminal Court, and the Special Court for Sierra Leone.

He served as the U.S. Ambassador at Large for War Crimes Issues from 1997 to 2001.

The Cambodian decision to reject the U.N. recommendation represents the latest obstacle in a tribunal process that has sought justice for some two million Cambodians who died through execution, torture, starvation, overwork, and disease while the ultra-Maoist regime ruled the country from 1975-1979.

Despite spending nearly U.S. \$150 million since it was formed in 2003, the ECCC has handed down only one sentence and has been mired in allegations of corruption.

Former Khmer Rouge prison chief Kaing Guek Eav, also known as Duch, was jailed in 2010 for 30 years for overseeing the deaths of thousands of people.

A second trial involving the Khmer Rouge's four most senior surviving leaders is under way. Many do not expect the third and fourth cases to proceed.

Cambodian Prime Minister Hun Sen, himself a former Khmer Rouge cadre, and other Cambodian officials have often expressed opposition to any further prosecutions in the Tribunal beyond the second trial.