



**UN Insists on Appointment of Swiss Tribunal Judge  
Reporters, VOA Khmer  
January 25, 2012**

The UN's special expert to the tribunal said Wednesday Cambodia's refusal to appoint a Swiss investigating judge is a "breach" of its agreement at the inception of the UN-backed court.

However, David Scheffer said the failure of the government to approve the appointment did not mean the judge could not do his work in the office of investigating judges.

"Regardless of that breach, the judge has full authority to operate as the international investigating judge of the Extraordinary Chambers in the Courts of Cambodia," Scheffer told reporters following meetings with senior Cambodian officials.

UN Secretary-General Ban Ki-moon nominated Kasper-Ansermet to replace a German judge who resigned because top political figures continuously made public comments objecting to two cases at the court, which is currently conducting a trial of three senior Khmer Rouge leaders.

The Supreme Council of Magistracy, the governing judicial body of the government, met over Kasper-Ansermet earlier this month, but would not approve his appointment.

Kasper-Ansermet has shown a willingness to prosecute two additional cases at the courts, Nos. 003 and 004, which are steadfastly opposed by Prime Minister Hun Sen and other senior officials.

Those two cases have been at the center of widespread worries that government officials have worked to influence the decisions of Cambodian tribunal staff, including judges, a charge top officials deny.

Scheffer's statements Wednesday appeared counter to concerns that the tribunal would not function without the appointment of the judge.

"I think the UN position on that is clear, that he doesn't actually require the appointment by the Supreme Council of Magistracy to continue on with his work," said Clair Duffy, an independent tribunal monitor for the Open Society Justice Initiative. "So he is in office and everyone is now going to wait to see to what extent he can fulfill his obligation under these circumstances."

Government spokesman Ek Tha disagreed. "With respect to the law, what does it mean if you are working without an appointment?" he said.

Meanwhile, critics of the court say Cambodia's failure to appoint the judge adds to a series of hurdles calling into question the government's commitment to a successful tribunal.

"I think this is such a violation of the agreement that the UN will have to consider whether it will be involved in the [tribunal] at all," Brad Adams, Asia director for Human Rights Watch, told VOA Khmer. "Not just in cases 003 and 004. It's a real crisis that the government has created."