



UN Must Decide on Standards for Tribunal: Observers

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With the Khmer Rouge tribunal mired in controversy over the government's refusal to approve a UN-appointed judge, court observers now say it is time for the UN to decide on a minimum standard of justice it is willing to accept.

The UN sent its special expert for the court to Cambodia this week to meet with government and court officials over Swiss judge Laurent Kasper-Ansermet, who is replacing a German investigating judge who quit over political interference last year.

The expert, David Scheffer, said following his meetings that Kasper-Ansermet could continue as investigating judge without the approval of the Supreme Council of Magistracy, putting him in opposition to the government's position.

That has put differences between the UN and the government in sharp relief, even as the court continues the trial of three former leaders of the regime, known as Case 002. The UN must decide when it will pull out of the process and leave two cases before the court to the national judicial process, said Lath Ky, a court monitor for the rights group Adhoc.

If the UN believes the conclusion of cases 001 and 002 are enough, "there's no need to find any other solution," he said. "The UN should not delay in giving a specific message to the Cambodian side."

For its part, the Cambodian side has expressed clearly it wants no further cases to go to trial, he said.

Long Panhavuth, a tribunal monitor for the Cambodian Justice Initiative, said the main problem that has emerged at the court is cooperation between the UN and Cambodian sides.

The office of the investigating judges has much work to do now, including bringing civil parties and witness into its cases, and it must keep the public informed, he said.

"Without cooperation, no matter who is appointed, it will be superficial, and the problem will continue relentlessly," he said.

Government spokesman Phay Siphon said the UN and Cambodia are partners and are continuing to discuss their differences. "No party can force a sovereign nation to follow this person or that," he said.