



UN concerned at appointment of judge on Khmer Rouge tribunal to national court August 16, 2007

The United Nations today voiced concern over the appointment to the Cambodian Court of Appeal of a judge already serving on the UN-backed tribunal trying Khmer Rouge leaders accused of mass killings and torture during the late 1970s, saying it could affect both the efficiency and perceived independence of the body.

Extraordinary Chamber in the Courts of Cambodia (ECCC) Co-Investigating Judge You Bun Leng was appointed President of the Cambodian Court of Appeal by royal decree on 9 August. The UN is seeking further clarification from the Cambodian authorities.

Under an agreement signed by the UN and Cambodia, the trial court and a Supreme Court within the Cambodian legal system will investigate those most responsible for crimes and serious violations of Cambodian and international law under Khmer Rouge rule between 17 April 1975 and 6 January 1979, when hundreds of thousands people were killed.

“The United Nations is concerned about the effect of the Decree's implementation on the efficiency of the proceedings currently before the court,” the UN Assistance to the Khmer Rouge Trials (UNAKRT) said in a press statement.

“The United Nations is also concerned about the impact of the Royal Decree on the perceived independence of the ECCC,” it added.

In a letter released by ECCC You Bun Leng said that as long as the ECCC considered his presence essential it was his duty to continue, ensuring there was no interruption or delay in the process, until such time as an appropriate and smooth transition can be made.

“I have already begun consultation with my staff and my international counterpart to reach a mutually acceptable and constructive solution that does not disrupt our work,” he said, noting that while the ECCC Law stipulated that the Co-Investigating Judges shall be appointed for the duration of the investigation, it also provided for the appointment of reserve Co-Investigating Judges.

The ECCC issued its first charges against a Khmer Rouge member three weeks ago, accusing Kaing Guek Eav, also known as Duch, of crimes against humanity over his role as chief at the S21 prison in the capital, Phnom Penh.