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UN 'Concerned' About Judge's Resignation

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As rights groups continued yesterday to call for strong UN action to address political interference at the Khmer Rouge tribunal, the UN issued a brief statement expressing "concern" over the resignation of yet another international investigating judge at the court, but saying little else.

Judge Laurent Kasper-Ansermet of Switzerland resigned on Monday after accusing his Cambodian counterpart, You Bunleng, of completely styming his attempts to move forward on two cases opposed by the government.

"The situation at the ECCC continues to be of serious concern, and the United Nations is examining it closely," UN spokesman Eduardo del Buey told reporters at a briefing in New York on Monday.

Mr. del Buey's comments were later released by the UN as a statement to the press. A representative for the office of UN Secretary-General Ban Ki-Moon did not respond to a request for further comment.

The UN's statement on the resignation, although short, was stronger than its response to the resignation of Siegfried Blunk in October, which was also precipitated by political interference in cases 003 and 004. At that time, the UN simply thanked Judge Blunk for his service.

Judge Bunleng said yesterday that there had been no interference in Judge Kasper-Ansermet's work, and that he had allowed the international judge to go about investigating the cases unfettered.

"I'd like to raise a question to him and to the public to consider: If I stymied him from doing his job, how could he conduct so many field investigations?" Judge Bunleng asked.

"I'm not opposing him at all, but whatever he has done is not correct," he added.

The international judges of the Pre-Trial Chamber have also leapt into the fray, releasing a joint statement yesterday announcing that their Cambodian colleagues have once again refused to allow the chamber to deliberate on a politically sensitive matter.

In February, two records of disagreement filed by Judge Kasper-Ansermet were returned to him by the president of the Pre-Trial Chamber, Prak Kimsan, without giving the international judges a chance to deliberate and issue an opinion. Judge Kasper-Ansermet

then filed a request to have Judge Kimsan disqualified, but Judge Kimsan also refused to pass that on to his colleagues.

“[The] matter was returned without deliberation or consultation with the judges of the Pre-Trial Chamber to the Reserve International Co-Investigating Judge by the President of the Pre-Trial Chamber,” Judges Rowan Downing and Chang-ho Chung wrote.

Also yesterday, the Cambodian Center for Human Rights (CCHR) joined calls from other rights groups for the UN to immediately start an investigation into political interference at the court.

“If the government is willing to go to such lengths to block cases it doesn’t want to go ahead, how confident can we really be that it hasn’t already determined the outcome in the cases that have been allowed to go ahead – cases 001 and 002?” said CCHR President Ou Virak in a statement.

UN Under-Secretary General for Legal Affairs Patricia O’Brien reportedly told NGOs during a meeting last year that the UN did not want to conduct an investigation because it could potentially jeopardize Case 002, the court’s showpiece trial.