

**Judges give KRT update**  
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The Khmer Rouge tribunal's investigating judges issued a statement today providing an update on the progress of the court's controversial investigations in its third and fourth cases.

The statement follows the admission from Cambodian Co-Investigating Judge You Bunleng yesterday that he was participating in the investigations, which have faced opposition from Prime Minister Hun Sen and Cambodian tribunal officials including co-prosecutor Chea Leang.

"For these cases, I am working with the foreign judge and already have a specific plan," You Bunleng said on Tuesday.

"Now we are examining the cases and documents in relation to the previous cases." The judges said in their statement today that they "wish to make an update to the public on the ongoing work on Case Files 003 and 004".

"The work at present is focused on examining and analyzing the documents available on the Case Files, particularly the existing documents in the previous Cases Files 001 and 002," the judges said, adding that they had established "joint working groups". "Therefore, at this stage, no field investigation is being conducted."

Anne Heindel, a legal adviser with the Documentation Centre of Cambodia, said the statement reflected the political sensitivity of the issue, with the judges attempting to "minimise the scope" of You Bunleng's involvement in the investigations.

"I think he's trying to do his job but stay below the radar," she said.

"It's still an investigation; it's just a paper investigation."

Heindel added that You Bunleng may not yet have signed rogatory letters authorising investigators to work outside the office.

In June, You Bunleng and his foreign counterpart, then-Co-Investigating Judge Marcel Lemonde, made public letters revealing that they had disagreed on the timing of the Case 003 and 004 investigations.

Lemonde called on You Bunleng to sign a rogatory letter authorising investigations of potential crime sites in the cases, which You Bunleng signed initially before changing his mind, saying he preferred to wait to consider the matter until after the issuance of indictments in the court's second case.

Those indictments were handed down in September, after which Lemonde stepped down and was succeeded by the German judge Siegfried Blunk.

As recently as late November, however, You Bunleng said he was still undecided on how to proceed with the cases.

During a visit to Cambodia by United Nations secretary general Ban Ki-moon in October, Hun Sen reportedly said the pending investigations in Cases 003 and 004 were a threat to the Kingdom's stability.

"Samdech [Hun Sen] clearly affirmed that Case 003 will not be allowed," Foreign Minister Hor Namhong told reporters following the meeting.

"We have to think about peace in Cambodia or the court will fail."

Although the judges' statement cited "ongoing work on Case Files 003 and 004", Clair Duffy, a court monitor with the Open Society Justice Initiative, said in an email that there appeared to have been "little substantive investigation" in the cases to date.

"These cases have been before the co-investigating judges since September 2009," she said.

"My question is at what point does it become essential – as required by the rules of the court themselves – to provide more information to the Cambodian people and the international community about the progress of these cases?"