



Judges show cards in 003
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JUDGES at the Khmer Rouge tribunal appear to have given their most candid reasons yet for their apparent refusal to fully investigate Case 003 in a decision made public yesterday.

The court's co-investigating judges rejected a request by international co-prosecutor Andrew Cayley that they investigate Case 003 further, according to a July 27 decision released yesterday in redacted form.

“It is still not apparent that the ICP is giving sufficient consideration to the basic jurisdictional requirement of Article 2 ECCC Law, namely that the suspects in Case 003 must be “senior leaders” of DK [Democratic Kampuchea] or “most responsible” for crimes committed during that period [1975 to 1979],” judges You Bunleng and Siegfried Blunk wrote.

After the judges had declared their investigation into the case closed in April, Cayley requested they conduct further investigation – including suspect and witness interviews and crime site examinations – as he is permitted to do by court rules. The judges rejected the request on a technicality, but Cayley re-filed his submission and appealed to the Pre-Trial Chamber.

The judges also stated that Cayley should have made his request prior to the closure of the investigation.

“The decision confirms what everyone already suspected: that the CIJs didn't conduct a rudimentary investigation in case 003 because they are asserting that suspects are neither ‘senior leaders’ nor ‘most responsible,’” Anne Heindel, a legal adviser at the Documentation Center of Cambodia, said by email yesterday.

The court has come under allegations of bowing to political pressure for its failure to investigate Case 003, which is opposed by the government.