

# The Phnom Penh Post

## **KRT prosecutor appointed Robbie Corey Boulet December 3, 2009**

THE Khmer Rouge tribunal on Wednesday announced the appointment of veteran war crimes lawyer Andrew Cayley as international co-prosecutor, filling a position that was left vacant by the departure of Robert Petit in September.

A tribunal press release noted Cayley's extensive experience in international criminal cases, including more than 10 years at the International Criminal Tribunal for the former Yugoslavia and two years as senior prosecuting counsel at the International Criminal Court, where he led the investigation of crimes committed in Sudan's Darfur region. His most recent work has been as a private defence attorney for former Liberian president Charles Taylor and Croatian military leader Ivan Cermak.

William Smith, who has filled in as international prosecutor on an interim basis since Petit left, and who worked with Cayley at the ICTY for a total of five years, praised his "high moral character and integrity" in an email Wednesday, adding that he had "a wealth of experience" in cases similar to those before the Khmer Rouge tribunal.

"His other cases, whether acting as a prosecutor or defence attorney, contain consistent allegations that the Accused held high-level positions in which they have abused their power by participating in widespread crimes in various ways," including by relying on "subordinates and others to carry them out", he wrote.

Cayley's was one of two names forwarded by the UN secretary general's office to the Cambodian government after Petit's departure. The final appointment was made by the Supreme Council of the Magistracy. Nicholas Koumjian, the other candidate, was appointed reserve co-prosecutor.

UN court spokesman Lars Olsen said Wednesday that Cayley was due to arrive in Cambodia "within a few weeks".

### **Important decisions coming**

By some accounts, the departure of Petit midway through the trial of Tuol Sleng

prison chief Kaing Guek Eav, alias Duch, detracted from the prosecution's performance.

A report released last week by the Asian International Justice Initiative, for example, referred to a "noticeable lack of coordination between the different prosecutors assigned to different stages of the proceedings", among other perceived flaws.

AIJI Deputy Director Michelle Staggs Kelsall said Wednesday that Cayley's experience would be a boon to the prosecution during the tribunal's second case, which is set to try the four other regime leaders currently in custody.

"For the complexities of that case, with multiple accused and with the various issues that will be confronting the prosecution in bringing that to trial, you need somebody with extensive expertise in complex investigations, and Mr Cayley obviously fits the bill," she said.

Heather Ryan, a trial monitor for the Open Society Justice Initiative, noted that Cayley might soon be called on to make "a lot of important decisions" as the investigation wraps up, such as whether to submit additional investigative requests. Judges have said they would try to complete the investigation by the end of the year.

"Whoever is going to be the prosecutor to take that case all the way to trial should be the one to make those decisions, because they will impact the trial," Ryan said, adding that other unresolved issues include the potential application of joint criminal enterprise and genocide charges.