



UN Must Investigate Cambodia's Khmer Rouge Tribunal

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PHNOM PENH—The Open Society Justice Initiative is calling on the United Nations to investigate the UN-backed Extraordinary Chambers in the Courts of Cambodia (ECCC), as the Khmer Rouge tribunal faces a worsening crisis of public confidence.

The Justice Initiative says the UN must examine issues of "judicial independence, misconduct, and competency," citing the court's failure to ensure the fullest possible examination of allegations of mass murder and other atrocities against a group of former Khmer Rouge officials.

The latest Justice Initiative report on the tribunal says recent actions and omissions by its two investigating judges—Judge Siegfried Bunk, a German, and his Cambodian colleague You Bun Leng—"raise serious questions, including the possibility of gross negligence in the performance of—or that the judges knowingly acted in contravention of—their judicial duties."

On April 29, the two judges announced the end of their investigation into the third proposed case before the court—Case 003—despite not having interviewed the suspects, questioned numerous witnesses, or visited alleged crime sites during a 20 month period.

Subsequently, on June 7, the two judges rejected a request from Andrew Cayley, the British international co-prosecutor, for further investigative work on the case, citing procedural grounds which the Justice Initiative argues are erroneous.

Case 003 is widely reported to involve Sou Met, the former commander of the Khmer Rouge air force, and Meas Mut, the commander of the navy. It involves allegations of murder, torture, unlawful detention, forced labor and persecution.

The court's fourth proposed case (Case 004), involving a further three suspects, appears destined for the same premature conclusion.

The Justice Initiative report notes that senior Cambodian officials have publically opposed bringing both cases to trial.

"The court's actions suggest that the outcome of a case has been pre-determined, and that judges have refused to gather evidence or investigate facts, possibly in response to repeated and publicly expressed demands of senior political leadership. Such egregious misconduct would violate the very core principle of judicial independence," it states.

James A. Goldston, executive director, said: "This tribunal was established to provide a measure of accountability for Khmer Rouge crimes and an example of the rule of law for Cambodia. In apparently bowing to political pressure, the court undermines both goals. An independent investigation is urgently needed."

The report's recommendations include asking Ban Ki-moon, the UN Secretary-General, to initiate an inquiry into the conduct of the court's international staff.

It also asks the UN Office of Legal Affairs to intensify its monitoring of the court, and, if deemed necessary, to consider advising the UN to end its support for proceedings.

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