

Group calls for KRT probe
Bridget di Certo
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A key Khmer Rouge Tribunal monitoring body has again called for the United Nations to conduct an independent investigation into allegations that the co-investigating judges at the tribunal are deliberately stymieing investigations into cases 003 and 004.

Referring to a recent decision by Co-Investigating Judges Siegfried Blunk and You Bunleng to deny victim status to an apparently legitimate applicant in Case 003, the Open Society Justice Initiative has reiterated recommendations it made to the UN in June to examine “questions of judicial independence, misconduct, and competency” of the two co-investigating judges.

The woman – whose spouse was executed by the Khmer Rouge – was granted victim participation rights in Case 002 on the basis of the same facts in her Case 003 application.

“This exclusion of victims is a departure from the previous decision making of the Office of the Co-Investigating Judges, and a departure from the definition of victimhood in the laws governing the tribunal,” said Clair Duffy, of the OSJI, yesterday.

Monitoring groups have been critical of Blunk and You Bunleng since they closed their investigations into Case 003 in April without interviewing either of the two alleged suspects, Khmer Rouge navy commander Meas Muth and air forces commander Sou Meth, or visiting any of the alleged crime sites. The closure of the Case 003 investigation was accompanied by a walk-out of international staff from the judges’ office, reportedly in protest over Blunk and You Bunleng’s actions in the closing of investigations.

Victim applications to Case 003 have also been denied by the two judges, including an application by New Zealander Rob Hamill, a vocal victim participant in Case 001 whose brother Kerry was tortured and killed under the Khmer Rouge regime at the notorious interrogation facility Tuol Sleng. “These developments further contribute to an already sizable body of evidence raising serious questions as to the independence, competence, and professionalism of the court’s two co-investigating judges,” yesterday’s statement from the OSJI said.

Legal affairs spokesman for the tribunal, Lars Olsen, said a system of checks and balances under the internal rules of the tribunal provided an avenue to counter allegations of incompetence and bias.

“Every level of the Court has an appeal mechanism in place,” Olsen said. “Actions of the

Co-Investigating Judges are subject to appeal by the Pre-Trial Chamber.”

Currently, international co-prosecutor Andrew Cayley and victim lawyers are awaiting decisions from the Pre-Trial Chamber on their appeals against the actions of the co-investigating judges in Case 003.

When asked whether the lack of time limits for decisions on appeals weakened the tribunal’s system of checks and balances, Olsen responded: “Decisions on time limits are for legislators and the plenary of the Court.”

The tribunal’s Supreme Court is yet to deliver its decision on appeals from the prosecution and defence teams in Case 001 and the Trial Chamber is yet to reach a decision on the fitness to stand trial hearing of Case 002 suspects held at the end of last month.

In court documents released on Tuesday, the Co-Prosecutors requested the Trial Chamber conduct further investigations into the mental fitness of former Khmer Rouge Minister of Social Affairs, Ieng Thirith, by ordering the tribunal’s detention facility staff to issue a report on their observations.

Ieng Thirith is accused in Case 002 of crimes against humanity, genocide and breaches of the Geneva Conventions. If the Trial Chamber ultimately finds her unfit to stand trial, it will make a decision on her involvement in Case 002 based on the tribunal’s rules and international best practice, Olsen said yesterday.