



## **Human Rights Watch: Khmer Rouge Tribunal Needs New Judges for Justice to Be Served**

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Human Rights Watch says the Cambodian people have no hope of seeing justice for crimes committed by the Khmer Rouge so long as two controversial judges are sitting on the court trying former leaders of the genocidal regime.

The New York-based group said Monday that co-investigative judges You Bunleng of Cambodia and Siegfried Blunk of Germany have politicized the tribunal and should step down.

Brad Adams, the head of HRW's Asia division, said the judges have violated their legal and judicial duties by not investigating two Khmer Rouge officials in what is known as Case 003.

“These two men, the head of the air force and the head of the navy, were never even interviewed or notified that they were under investigation,” Adams said, referring to Khmer Rouge air force commander, Sou Met, and navy commander, Meas Muth.

“We know that [the investigators] didn’t go to the crime scene. We know that they didn’t interview the witnesses they should have interviewed. They simply closed this down and it will probably remain a mystery about why they closed it down.”

### **Political pressure...or not**

Adams suggested the judges may be bowing to the pressure of Cambodian Prime Minister Hun Sen, a former Khmer Rouge fighter opposed to the prosecution of anyone but the most senior Khmer Rouge leaders. Mr. Hun Sen has said a civil war could break out if more investigations are made.

The court has not confirmed the identity of the defendants named in cases 003 and 004, but Lars Olsen, a tribunal spokesman, said there is some question about whether they would be appropriate candidates for prosecution.

“The judges have said that they are in doubt about whether or not the defendants will fall into the category of people under the jurisdiction of the court. Namely, senior leaders of Democratic Kampuchea or those most responsible for the crimes committed during the period of Democratic Kampuchea,” said Olsen.

Nearly two million people, or a quarter of Cambodia’s population, died under the Khmer Rouge between 1975 and 1979. The U.N.-backed court was created nearly 30 years later in an effort to find justice for Cambodia’s victims and survivors.

Olsen said Blunk and You Bunleng are fulfilling their duties to the Extraordinary Chambers in the

Courts of Cambodia, or ECCC.

“The co-investigating judges will continue to perform their duties independently and also, to the mind that the ECCC proceedings have built-in checks and balances,” he said.

### **The appeals process**

Those checks and balances include the ability to appeal any decision made by the co-investigating judges to the pre-trial chamber. The judges have not yet filed a closing order in cases 003 and 004. But even if they did, Human Rights Watch says any appeal against those orders would almost certainly be dismissed.

Adams said the judges have already demonstrated they are not interested in hearing the international prosecutor’s concerns.

“When the prosecutor objected, they threatened him with contempt of court. So it’s time for those guys to go,” he said. “They need to go before those cases are finally and completely dismissed so that Cambodians can see these people put on trial if they are indeed responsible.”

The court so far has tried and convicted one person, the former director of the S-21 prison. Kaing Guek Eav, or Duch, was convicted of crimes against humanity and war crimes. He is to spend the next 19 years in prison. The second case, involving the Khmer Rouge’s four senior leaders, is scheduled to begin next year.