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The CAMBODIA DAILY

Judge Resigns KR Court Over Gov't Pressure

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THE CAMBODIA DAILY

International Co-Investigating Judge Siegfried Blunk has resigned from his position at the Khmer Rouge tribunal in the face of government interference in the court and adamant opposition to investigations into two more cases against Khmer Rouge regime suspects.

The move came less than a week after Human Rights Watch called for Mr Blunk's resignation over failing to properly investigate the two cases, which are known as 003 and 004.

In a statement released by Judge Blunk yesterday, he referred to three comments made by Prime Minister Hun Sen, Information Minister Khieu Kanharith and Foreign Minister Hor Namhong that have warned judges at the tribunal away from pursuing investigations into cases 003 and 004.

"Although the International Co-Investigating Judge will not let himself be influenced by such statements, his ability to withstand such pressure by Government officials and to perform his duties independently, could always be called in doubt, and this would also call in doubt the integrity of the whole proceedings in Cases 003 and 004," Judge Blunk wrote.

The resignation marks an end to months of heated criticism against Judge Blunk, and his national counterpart You Bunleng, for refusing to thoroughly



Extraordinary Chambers in the Courts of Cambodia
Siegfried Blunk, right, who resigned on Sunday as International Co-Investigating Judge at the Khmer Rouge tribunal, shakes hands with his Cambodian counterpart, You Bunleng, on taking up his position with the court in a photograph from December 2010.

Judge...

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investigate the two cases. Both Judge Blunk and Judge Bunleng have stopped investigating Case 003 without having interviewed suspects or examined crime sites.

Commenting on the resignation, Council of Ministers spokesman Phay Siphon said Judge Blunk's departure from the tribunal showed that he had misunderstood the principles of a mixed court.

"He [Judge Blunk] failed to understand the wisdom of setting up the ECCC, which is the partnership between the government and the UN," he said. "We still stand on our ground regarding the ECCC. There will be no case 003 or 004."

"The government doesn't want failure; that is why it only allows Case 002 to take place."

Prime Minister Hun Sen has publicly opposed the two cases for years and in October 2010 bluntly told UN Secretary-General Ban Ki-moon that the cases were "not allowed."

In his statement, Judge Blunk also said he had initiated contempt of court proceedings against Mr Kanharith for saying in May that "if they want to go into Case 003 and 004, they should just pack their bags and leave."

Judge Blunk said he "expected this to be a warning to other government officials."

Last week, however, Foreign Minister Hor Namhong was quoted as saying that the arrest of more Khmer Rouge leaders "must be decided by Cambodia," the statement added.

UN Secretary-General Ban Ki-moon's spokesman Martin Nesirky said yesterday that the UN is urgently working to get Judge Blunk's replacement, Swiss crimes investigator Laurent Kasper-Ansermet, to take over work at the tribunal as soon as possible.

"The United Nations has consistently emphasized that the ECCC must be permitted to proceed with its work without interference from any entity, including the Royal Government of Cambodia, donor States or civil society," Mr Nesirky said in an e-mail.

In a message sent via the social networking site Facebook, Mr Kanharith denied that the government had interfered with the court.

"He [Judge Blunk] reject the blame on others while he failed to cooperate with other colleagues at the Court," Mr Kanharith said. "He must read carefully the convention between the [government] and UN."

Elisabeth Simonneau Fort, lead

civil party co-lawyer, said Mr Blunk's resignation would actually improve the climate at the tribunal as Case 002 begins.

"I could say it was necessary at this stage," she said. "But it is not a resolution to every problem."

International Co-Prosecutor Andrew Cayley said he would continue to press for a proper investigation and due process in Cases 003 and 004.

"I do not think Judge Blunk's resignation signals the end of the court since the trial of Case 002 will soon

begin," Mr Cayley said in an e-mail.

Human rights groups, however, voiced frustration that not enough was being done to address concerns over political interference in the court.

Youk Chhang, director of the Documentation Center of Cambodia, said Judge Blunk's resignation alone was not good enough and the UN must conduct an independent investigation into the office of the co-investigating judges.

"This is a court, not a theater," he said.