



GENOCIDE WATCH

THE INTERNATIONAL ALLIANCE TO END GENOCIDE

Duo Emerge As Allies for Kasper-Ansermet
By Bridget Di Certo , The Phnom Penh Post
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Two international Pre-Trial Chamber judges at the Khmer Rouge tribunal have given UN-nominated Reserve Co-Investigating Judge Laurent Kasper-Ansermet a green light to proceed with the resumption of investigations into government-opposed Case 003, an opinion from the judges published yesterday said.

Judges Rowan Downing and Chang-Ho Chung have again split from their Cambodian counterparts over issues relating to Case 003 and have also accused the Cambodian president of the Pre-Trial Chamber of going behind their backs and jeopardizing the integrity and ethics of the court.

“We are of the same view [as Kasper-Ansermet] that it is necessary to conduct a complete investigation into crimes as serious as those [in Case 003],” the two international judges said in their opinion, which is dated one day after Kasper-Ansermet made public his order on the resumption of investigations into the case last Thursday.

In their opinion, Downing and Chung said that Pre-Trial Chamber president Prak Kimsan drafted a memorandum without their knowledge or agreement stating that “Mr Laurent Kasper-Ansermet does not have enough qualification to undertake his duty, according to legal procedure in force”.

Downing and Chung said this memorandum “did not represent the opinion of or a decision of the full Pre-Trial Chamber” and that such correspondence “amounts to a breach of confidentiality by a disclosure of the opinion of some of its judges prior to the conclusion of deliberations”. Prak Kimsan then refused their request to remove the memorandum, the judges said.

In a press release accompanying his order on the resumption of investigations in Case 003, Kasper-Ansermet called for the disqualification of Prak Kimsan, and for the president to be excluded from all deliberations relating to Case 003.

Clair Duffy of Open Society Justice Initiative said the effect of the international judges’ opinion was good for Case 003, but had serious undertones.

“[Downing and Chung] make serious allegations that Prak Kimsan and possibly the other national judges acted to circumvent the clear procedures in the ECCC documents for resolution of this kind of dispute and thereby thwarted the power of the international judges to act,” Duffy said. “This reinforces concerns ... about the independence of judges in that chamber who have consistently voted along government lines in matters pertaining to cases 003 and 004.”

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