24 August 2007

Cambodian Government Heeds Call to Keep Judge at Genocide Tribunal

Phnom Penh, Cambodia: A key Cambodian judge investigating cases against former leaders of the brutal Khmer Rouge regime will not leave his current job in the U.N-backed tribunal, the government said Friday.

The announcement was apparently intended to allay fears that the government's recent appointment of You Bun Leng, one of the tribunal's two co-investigating judges, as head of the country's Appeals Court would disrupt efforts to convene long-awaited trials.

The United Nations had appealed to the government on Wednesday not to transfer You Bun Leng away from the trial.

On Friday, the government said You Bun Len's new job was only an additional title and that he would not leave the tribunal.

You Bun Leng's "role and duty as a judge at the Khmer Rouge tribunal should remain as before and ... nothing should obstruct the process of the trial at all," a statement quoted Prime Minister Hun Sen as saying.

After numerous delays, You Bun Leng and his U.N.-appointed counterpart, Marcel Lemonde, recently began investigations of former Khmer Rouge leaders accused of crimes against humanity that caused the deaths of some 1.7 million people in the late 1970s.

The judges have so far indicted one of five suspects, Duch_ or Kaing Guek Eav_ who was the head of the Khmer Rouge's S-21 prison and torture center. The other four have not been publicly named and still remain free in Cambodia.

Describing the government's announcement as "excellent news," Theary Seng, executive director of the nonprofit Cambodian group Center for Social Development, said it "eases concerns about a delay" in the trials if You Bun Leng were to be transferred to the new job.

But Youk Chhang, director of Documentation Center of Cambodia, an independent group researching the Khmer Rouge crimes, said the affair reflected negatively on the supposed independence of the judiciary and shows the government still wields influence on it.

"You Bun Leng should have decided on his own (about the appointment) and set a good example as a judge instead of waiting to be told what to do," Youk Chhang said.

On Thursday, Yash Ghai, a U.N. human rights expert, and Leandro Despouy, a U.N. specialist on the judiciary, said the executive branch of government had usurped the duty of the judiciary in making the appointment, violating the constitution.

However, chief government spokesman Khieu Kanharith dismissed the criticism and accused the U.N. envoys of making a mockery of King Norodom Sihamoni, who approved the appointment.

Copyright 2007
International Herald Tribune