

Pre-Trial Chamber rules on political interference

Written by

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The Pre-Trial Chamber at the Khmer Rouge tribunal (ECCC).

In a decision [published online today](#), the Khmer Rouge tribunal's Pre-Trial Chamber issued a rare split decision on whether an investigation into alleged political interference by the Cambodian government in the work of the court is warranted. International judges Rowan Downing and Catherine Marchi-Uhel called such an investigation "imperative... to ensure that the charged persons are provided with a fair trial". Cambodian judges Prak Kimsan, Ney Thol and Huot Vuthy said, however, that the court's Co-Investigating Judges were right to conclude that no investigation was necessary. In the absence of a super-majority of judges, the [appeal](#) by lawyers for Ieng Sary and Nuon Chea asking for investigation was dismissed.

In their opinions, the judges focused largely on [statements given last year](#) by Information Minister Khieu Kanharith, who said the government opposed the summoning of six senior ruling party officials by the court, and that foreign jurists upset with the decision could "pack their clothes and return home". The six summoned were Senate President Chea Sim, National Assembly President Heng Samrin, senators Ouk Bunchhoeun and Sim Ka, Minister of Finance Keat Chhon and Minister of Foreign Affairs Hor Namhong; none have appeared before the court.

Prime Minister Hun Sen said he too opposed the summonses, as they could create procedural unfairness for the defendants.

The split between the international and Cambodian judges of the Pre-Trial Chamber [echoes earlier disagreements](#)

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between foreign and domestic court officials. Pending investigations in the court's third and fourth cases are currently being conducted unilaterally by International Investigating Judge Marcel Lemonde, in the absence of support from Cambodian judge You Bunleng; the Cambodian Pre-Trial Chamber judges and Cambodian prosecutor Chea Leang have also registered their opposition to the investigations.

Read the full text of today's decision [here](#) .