Chea Sim, the President of the Senate and the Cambodian People’s Party (CPP), yesterday appeared to endorse Prime Minister’s Hun Sen’s stated opposition to any further prosecutions at the Extraordinary Chambers of the Courts of Cambodia (the “ECCC”) beyond Case 002, while conversely the visiting United States Ambassador at Large for War Crimes Issues urged the court to resist political interference such as that seemingly applied by the Royal Government of Cambodia (RGC).

Speaking at yesterday’s 60th anniversary of the CPP, Chea Sim is reported in an article titled “More questions for KRT Case 003” that appeared in today’s Phnom Penh Post as saying that the CPP “supports the process” of the court “along the lines of what was stated” by Hun Sen to the United Nations Secretary General Ban Ki Moon in October 27 2010. At that meeting Hun Sen, according to comments made by Foreign Minister Hor Namhong, stated that Case 003 would not be permitted to proceed. In the same Phnom Penh Post article, Stephen Rapp, the US Ambassador at Large for War Crimes Issues is quoted as stating that “people would like the tribunal finished at the end of Case 002, but that it is not a political decision. The decision is to be made by this court according to the statute, according to the law, according to the facts that are developed.”

The statements come amid allegations that the Office of Co-Investigating Judges (the “OCIJ”) is bowing to political pressure in relation to the investigations into Case 003, pressure which is said to have led to recent resignations of staff and a consultant at the OCIJ. According to the ECCC’s own interpretation, which can be deduced from its conviction of prison chief Kaing Guek Iev in Case 001, its jurisdiction is not limited to a handful of leaders that are alleged to have occupied senior political positions within the Khmer Rouge. A decision to close the ECCC with the conclusion of Case 002 is not therefore based in law but rather it is a political one.

Commenting on the need for judicial independence at the ECCC, Ou Virak, President of the Cambodian Center for Human Rights, a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout Cambodia, and a victim of the Khmer Rouge – whose father was murdered at the hands of the brutal regime – said:

“The ECCC has been plagued with allegations of political interference. These allegations are detrimental to the tribunal’s work and potentially harmful to its legacy. I welcome the comments of Stephen Rapp as a reminder to the Royal Government of Cambodia that whether or not the tribunal ends following the completion of Case 002 is not a political decision for them to make; rather it should be determined independently by the judges in accordance with the law. I am pleased with the conviction of Duch which confirms the parameter’s of the jurisdiction of the court also includes those who bear the most responsibility for enacting the atrocities of the Khmer Rouge regime. With this in mind, the full and frank investigation of Cases 003 and 004 is the very minimum the tribunal owes to this country and the victims of the Khmer Rouge.”

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