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Judge Blunk’s resignation leaves little doubt as to RGC interference in Khmer Rouge Tribunal

It was announced today, 10 October 2011, in a press release titled “Press Release by The International Co-Investigation Judge” (the “Press Release”) by Extraordinary Chambers of the Courts of Cambodia (the “ECCC”) that the International Co-Investigating Judge, Judge Siegfried Blunk, has submitted his resignation to the Secretary-General as of 8 October 2011. Judge Blunk was appointed in December 2010. In the Press Release it states that at the time he hoped to proceed with investigations into Cases 003 and 004 in the expectation that a previous statement reportedly made by the Cambodian Prime Minister during a meeting with the Secretary-General that these cases “will not be allowed” did not reflect general policy of the Royal Government of Cambodia (the “RGC”). The Press Release goes on to say that given numerous statements that can be perceived as interference into the investigation of Cases 003 and 004 by government officials, Judge Blunk has tended his resignation. To read the Press Release in full, please click here.

Last week Human Rights Watch called on the Co-Investigating Judges, You Bunleng (Cambodia) and United Nations-nominated Siegfried Blunk (Germany), to resign having failed to conduct genuine, impartial, and effective investigations into Cases 003 and 004 – effectively an allegation that they had egregiously violated their legal and judicial duties. To read the full statement by Human Rights Watch, please click here. The statement by Human Rights Watch came amid allegations that the Office of Co-Investigating Judges (the “OCIJ”) is bowing to political pressure in relation to the investigations into Cases 003 and 004. This year there have been numerous acts to support such claims, including the leaking of confidential documents supporting the need for further investigations into Cases 003 and 004 and the 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 Eav 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 and the government of the Democratic Republic of Kampuchea. 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 Judge Blunk’s resignation, Ou Virak, President of the Cambodian Center for Human Rights, said:

“The ECCC charade must end: Judge Blunk’s resignation ends any doubt that the RGC are interfering with the investigation into Cases 003 and 004. This meddling by members of the RGC is in direct contravention of the 2003 agreement between the UN and RGC establishing the ECCC as a hybrid Cambodian-UN court. Nearly 20 years after the Paris Peace Accord, the time is nigh for the UN to re-examine its seemingly compliant relationship with the RGC. If the ECCC’s door is shut without a full and frank investigation into Cases 003 and 004, the UN will have failed the victims of the Khmer Rouge.”

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