

Before More Investigation, Case Two: Tribunal Judge Kong Sothnararith May 31, 2010

An international judge at the UN-backed Khmer Rouge tribunal says an investigation into further controversial cases cannot take place until the court deals with its second trial.

“There is no suspect under examination before the end of file No. 2,” the UN investigating judge, Marcel Lemonde, said in an interview with VOA Khmer. “The priority of priorities is to complete the case file No. 2.”

The tribunal is currently working through case No. 002, which seeks to try Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith—and possibly already-tried Kaing Kek Iev—on atrocity crimes charges that include genocide.

“Only if case 002 is completed can we proceed with [more] indictments,” the investigator said, referring to cases No. 003 and 004, which would entail an expanded scope of the tribunal to another level of Khmer Rouge cadre.

The two investigating judges are expected to issue the closing order of the second case in September, which would pave the way for a trial. It is unclear how long that trial will take, but it is bound to be more complicated than the Kaing Kek Iev trial, which lasted more than six months.

Beyond that, the question of further indictments, first raised by a former UN prosecutor at the court, have remained thorny.

Prime Minister Hun Sen has said more arrests could destabilize the country, concerns echoed by Cambodian prosecutor Chea Leang. A Pre-Trial Chamber split decision last year kept the possibility open, moving the case files from the prosecutors to the investigating judges.

Lemonde said in an interview earlier this month that the difference in opinion between the two prosecutors was not necessarily shared by the investigating judges. He said a two-year time frame for investigation into the further two cases was “a reasonable target” but it was “not certain yet” what will happen.

A committee to examine the cases has already been prepared so that investigators can go to the field, he said.

That prospect has some former Khmer Rouge ill at ease.

In an April public forum in the former Khmer Rouge stronghold of Anlong Veng, at least one former regime soldier warned of the “possibility of new civil war” if more arrests were carried out. Peace with the rebels was achieved only in the 1990s, following concessions and the granting of amnesty.

Lemonde said he was not worried about such dire predictions.

“I think there is not a serious situation to contemplate on the return of civil war to Cambodia because of activities of the court,” he said. Chhang Youk, director of the Documentation Center of Cambodia, agreed that Case No. 002 was “fundamental” for full completion, and it remains unclear whether the investigating judges have even agreed to proceed with the next two.

And Long Panhavuth, a program director for the Open Society Justice Initiative of Cambodia, said further cases would not only be decided on by one investigating judge, though Lemonde must work to “quickly find justice for the Cambodian people.”

This information list was set up by the Open Society Justice Initiative for information exchange about the Khmer Rouge Tribunal and its effects on Cambodian society. For more information, please contact cji@online.com.kh. For more information on the Justice Initiative, please visit: www.justiceinitiative.org <<http://www.justiceinitiative.org/>>. To subscribe as a member of the Krttalk, please go to krttalk-subscribe@krtrial.info. To unsubscribe, go to krttalk-unsubscribe@krtrial.info.