

Case 004 in the spotlight**James O'Toole****May 6, 2011**

Local activist Theory Seng has announced plans to file a civil party application at the Khmer Rouge tribunal against a trio of former cadres she says are the subject of investigation in the court's controversial fourth case.

Theory Seng identified the following three people as Case 004 suspects in a statement yesterday: Im Chem, a KR district chief in Banteay Meanchey province; Yim Tith, aka Ta Tith, deputy secretary of the KR's Northwest Zone; and Aom An, aka Ta An, deputy secretary of the KR Central Zone.

The tribunal has yet to confirm the identities of the suspects in this case, though Im Chem in particular has been widely suggested as a possible defendant.

Theory Seng's announcement follows a similar move last month in which she lodged a civil party application for Case 003 against former KR navy commander Meas Muth and air force commander Sou Met, both of whom have long been named as potential suspects. She said yesterday that the court's complete lack of transparency in its Case 003 and 004 investigations had pushed her to take her complaint public.

"These judges are hiding behind the confidentiality issue, they are abusing the confidentiality issue," she said. "I'm taking my fight [to] the public arena because it's my only safeguard."

The tribunal's investigating judges announced last week that they had concluded investigation in Case 003, though the unnamed suspects in this case were not questioned during the investigation and no lawyers have been appointed for them. In addition, the court has made no effort to solicit civil party applications for the case, after nearly 4,000 people applied to participate in Case 002, nor to collect complaints that could aid in the prosecution of the suspects.

These developments have led tribunal observers to charge that the judges are intentionally botching the investigation under pressure from Prime Minister Hun Sen and other government officials who have expressed opposition to Cases 003 and 004.

Theory Seng said yesterday that her Case 003 civil party application had been rejected, but that she planned to appeal. Under court rules, prospective civil parties in the case have just eight more days to submit applications, though they have been given no indication by tribunal officials of the scope of the 003 investigation.

Theary Seng said she was “100 percent certain” that the identities of the suspects she had named in Cases 003 and 004 were correct, citing “conversations” and “public documents”.

Tribunal officials reacted angrily last month to Theary Seng’s naming of Sou Met and Meas Muth, calling it “reckless” and “irresponsible”.

United Nations court spokesman Lars Olsen said yesterday that the court “has already made clear what it thinks about naming people in the public”.

“We think it’s unfortunate that this practice continues,” he added.

Aom An, now 78, currently resides in Battambang province’s Kamrieng district, according to research by the Documentation Centre of Cambodia. Im Chem, 66, is a district official in Oddar Meanchey province’s Anlong Veng district, while Yim Tith – brother-in-law of murderous KR military commander Ta Mok – became a general in the Royal Cambodian Armed Forces following his defection to the government and currently splits his time between Phnom Penh and Battambang.

DC-Cam director Youk Chhang said “only the court” should disclose the names of suspects, though in a statement yesterday, he called for more transparency from judges at the Extraordinary Chambers in the Courts of Cambodia, as the tribunal is formally known.

“The millions of Cambodian survivors of the regime deserve to know what the ECCC is doing in their name, yet the Court has provided no meaningful information to the public about Cases 003 and 004 since the [judges] began their investigations 20 months ago,” he said.

Clair Duffy, a trial monitor with the Open Society Justice Initiative, said she was “sympathetic” to victims concerned that the court would not give them the chance to participate in its third and fourth cases.

“[The investigating judges] have realised that the more people that have access to information about these investigations, the harder it’s going to be to dismiss these cases,” she said.