



**Khmer Rouge Victims Ready, but Left Waiting**  
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Quietly, and despite scant assistance from the Khmer Rouge tribunal, more than 1,000 victims have already applied to be civil parties in the government-opposed cases 003 and 004.

The figure is more than a quarter of the number of people who applied in cases 001 and 002, the vast majority of whom were, in the end, granted civil-party status.

Those victims were actively solicited by the court through large-scale media and public outreach campaigns, but no such moves have been made to inform those most likely to be eligible to join proceedings.

The 1,168 victims who have applied to be civil parties doubtless represent an uncomfortable truth for those wishing to block the controversial cases: many victims want them to proceed.

According to figures obtained from the court, as of Wednesday — the day international co-investigating judge Mark Harmon released a list of 14 crime sites under investigation in Case 004, the first public statement issued on either case in months — 321 applications had been submitted in Case 003 and 847 in Case 004. The cases involve five mid-ranking Khmer Rouge cadres believed to be responsible for purges, execution sites, forced labour and genocide, among other crimes that would have impacted hundreds of thousands of people.

Both cases have been vociferously opposed by the highest ranks of government, and the Office of the Co-Investigating Judges has been accused in the past of stalling attempts to move 003 and 004 forward.

In April, 2011, the office tried to quietly close a flimsy investigation into Case 003, only to see its attempt fall flat when a list of crime sites leaked to the media sent civil-party lawyers scrambling to file applications within the 15-day deadline.

The first list of crime sites for Case 004, meanwhile, was grudgingly released by the office in August, 2011, along with a coda that there were “serious doubts” about the case’s legal merits.

Efforts by Harmon's beleaguered predecessor, Judge Laurent Kasper-Ansermet, to re-open Case 003 investigations and further investigations into Case 004 late last year and early this year were blocked at every turn. It remains unknown whether Case 003 investigations are open and whether victims can join the proceedings as civil parties.

But with Harmon's announcement — which includes a call for civil-party applications — renewed attention is being focused on the victims and the court's efforts, or lack thereof, to reach out to them.

Lawyers for the civil parties spoke this week about being stalled, blocked and ignored as they sought to gain civil-party status for their clients, while tribunal monitors questioned the scant public information.

All agreed, however, that the hundreds who have applied suggested a sincere hope that the cases see the light of day.

"Clearly, public interest in the case is already there," Open Society Justice Initiative tribunal monitor Clair Duffy said.

"There's already a demand for access to justice to deal with the crime sites specifically. I would expect that number to be much, much higher if they [the court] engaged in active outreach like they're supposed to."

That deficiency, coupled with the tight-lipped nature of the court regarding the status of the cases, had been extremely worrying, civil-party lawyer Silke Studzinsky said.

"There is no outreach from the court, no, or very little, information about the cases. Even the suspects remain officially unknown," Studzinsky wrote in an email.

Since May 2011, she said, a request to access the case file had been pending. Another motion, an August, 2011 appeal following the rejection of a civil-party application, has never been addressed.

"Victims who apply/applied in cases 003 and 004 are not welcome and are excluded from these cases," she said.

Lyma Nguyen, who represents two civil parties rejected and later admitted when Kasper-Ansermet re-opened Case 003 investigations, said the lack of clarity concerning his decisions was troubling.

But the tentative steps forward the cases appeared to be taking held a faint ray of hope.

"The admissibility of civil parties in Case 003 is one sign that the case file is still alive. The recent assignment of defence representation for the suspects in cases 003 and 004 is also a positive sign. However, I am not aware that the suspected persons have yet been charged. This step also needs to be taken by the court."