

**Khmer Rouge Court Cases in Danger: Report**  
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The Khmer Rouge tribunal should continue to pursue justice in government-opposed cases 003 and 004 instead of trying to “shirk” its responsibility, a new report released yesterday said.

In an unsparing and occasionally stinging analysis, the Geneva-based Open Society Justice Initiative makes no fewer than 22 recommendations on how the court can get its act together on stalled cases that have implicated former Khmer Rouge officials in war crimes.

Using the imminent arrival of Mark Harmon, the new international co-investigating judge, as its springboard, the report strives for a wake-up call tone, urging action from the United Nations, Extraordinary Chambers in the Courts of Cambodia administrators, court observers, donors, the prosecution, judges and, most of all, the government.

“Thus, without a turnaround, the RGC [Royal Government of Cambodia] will achieve its stated desire to prevent Case 003/004, the UN will lose credibility, many victims will receive no justice for the atrocities committed against them, and the ECCC’s historical record will provide – at best – an extremely limited account of how Khmer Rouge atrocities were committed,” it reads.

Among the recommendations included in the report:

- The tribunal should provide adequate resources to Harmon so he can do his job
- Donors are encouraged to insist on transparency
- United Nations tribunal officials should engage with the government to prevent political interference

There is also a lengthy exploration of the dangers posed should the UN withdraw, ending the tribunal’s hybrid nature.

According to Clair Duffy, the OSJI’s court monitor, there is not one example of a senior Cambodian decision-maker at the tribunal taking a different viewpoint on cases 003/004 when it comes to the public position of the government.

“This status quo does not bode well for the ECCC’s legacy for judicial independence in Cambodia, and this is why it is crucial that donors, the UN and the Cambodian

government collectively reassert their commitment to seeing these cases through,” she said.

Moreover, as the report points out, while the cases have been on the court’s docket for three years, not one of the five suspects has been arrested. By contrast, in cases 001 and 002, all of the accused were arrested and charged within three months of the investigations.

Though the court has not officially named them, the two suspects in Case 003 are widely believed to be Meas Muth and Sou Met, Khmer Rouge Navy and Air Force commanders, respectively. Case 004 involves three former leaders at the zonal level: Im Chaem, Ta An and Ta Tith.

The question that hangs over the entire report is whether Harmon will have a similar experience to his predecessors, two of whom resigned in frustration.

Most recently, Swiss national Laurent Kasper-Anserment, who left the court in May, blamed his departure on the interference of his Cambodian counterpart You Bunleng.

UN Special Expert on the tribunal David Scheffer did not immediately respond to an email request for comment.

Andrew Ianuzzi, the defence lawyer for Case 002 co-accused Nuon Chea, said that while he usually agrees with the views of the OSJI, “the reality is, no matter what recommendations are made, there will never be a real investigation into cases 003 and 004.

"You Bunleng will never change his position, which is to say [Prime Minister] Hun Sen’s position. And Mark Harmon is only here to provide a fig-leaf for the UN.”