



## **Pressure mounts on tribunal over further cases**

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Lawyers for the victim participants of the Khmer Rouge tribunal said Tuesday the court violated their rights by not releasing enough information to them about a potential case at the court, which is facing increasing pressure to conduct further trials.

Controversial Case 003, which could see two more Khmer Rouge leaders indicted, saw investigating judges issue conclusion on April 29, which should have given prosecutors and civil parties both 15 days to appeal for more investigation.

However, civil party participants were not given access to the case file, which prevented them from taking “any meaningful actions,” lawyers Silke Stuzenski and Hong Kim Suon said in a statement.

As a result, civil party complainants—who are supposed to participate in trials as a means of national reconciliation for the genocide—face a “high risk” of rejection from the case, the lawyers wrote.

Under court rules, victims are supposed to demonstrate they are victims of particular crimes by the accused. But the names of the accused in Case 003 have remained confidential with the court, making such a petition impossible. Only four people have applied to become civil party complainants in Case 003, a court official said.

Latt Ky, a tribunal monitor for the rights group Adhoc, said he worried the number of complainants was “too small,” especially when civil parties are supposed to play an important role in the national process.

“Their participation helps them peacefully accept justice,” he said.

Applicants now have until May 18 to file complaints under court rules, although the court may extend the period a further six weeks.

The court is now facing increasing pressure from within and without to continue more trials of Khmer Rouge leaders.

The court has successfully prosecuted one case—against prison chief Duch—and is preparing for a second. But the fates of two more cases, which would require more indictments, remain unclear.

Seng Theary is a US-Cambodian lawyer who lost her parents to the regime and has become a leading advocate for many victims as they try to enter the tribunal process.

She has also come under sharp criticism for court officials in recent weeks, after she named in a complaint former Khmer Rouge believed to be part of two confidential case now under consideration at the court.

In an interview, Seng Theary said the court was failing in its mission to help average Cambodian victims, either by withholding the names of those likely to be indicted in the two upcoming cases—003 and 004—or other omissions of information.

“In Case 003, they didn’t even receive a single victim as a civil party,” she said. “This is extremely unreasonable. They’ve violated their duties and have been irrational in what they’ve taken as a pretext for confidentiality, which is not consistent with the facts.”

In complaints to the tribunal, Seng Theary named former Khmer Rouge cadre Meas Muth, Sou Meth, Im Chaem, Ta An and Ta Tith, in an effort to move cases 003 and 004 forward. (In interviews with VOA Khmer, both Meas Muth and Im Chaem have denied involvement in regime atrocities.)

Both cases, which Prime Minister Hun Sen is against, have stalled in the courts under objections from Cambodian judges and prosecutors, making them politically sensitive. On April 29, the office of investigating judges issued a conclusion to their investigation of Case 003, giving prosecutors 15 days to review the case and recommend further investigation.

That set off a schism within the prosecution’s office, with the international and Cambodian prosecutor trading statements in the media this week over the propriety of the case.

International prosecutor Andrew Cayley issued an open statement Monday, saying the investigation was not complete.

Cayley said he planned to request that the investigating judges summon suspects named in the case, interview further potential witnesses, examine more crime sites, such as mass graves, include more evidence in the case file and investigate the involvement of those suspects in Case 003 in the torture center Tuol Sleng. He also recommended the confidential suspects be publicly identified.

In his statement, he made clear his belief that the suspects of Case 003 fell under the jurisdiction of the court, which is mandated to try those “most responsible” for the atrocity crimes of the Khmer Rouge.

On Tuesday, Cayley’s Cambodian counterpart in the prosecution’s office, Chea Leang, issued her own statement, saying she did not believe the accused fell under the jurisdiction of the court. She has in the past echoed Hun Sen’s concerns that further

indictments in those cases could destabilize the country, presumably by threatening members of the Khmer Rouge who joined the government at the end of its civil war.

All of this comes as the tribunal prepares for its second case, a complicated trial of four leaders already in the court's custody—Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith.

A tribunal spokesman said this week that the tribunal was following its principles and guidelines and notifying the right parties at the right time as cases develop. The court has earned support from Cambodians and internationals alike, the spokesman said.

However, an increasing number of people are starting to look more closely at cases 003 and 004 and questioning whether they will be completed by the tribunal, which has struggled financially under accusations of mismanagement and corruption.

Last week, Chhang Youk, director of the Documentation Center of Cambodia, a major researcher for the tribunal, called for greater transparency and independence for cases 003 and 004.

“We expect the [tribunal] to uphold the highest standards of judicial independence,” he said in a statement. “All [tribunal] decisions must be made independent of political pressure and in accordance with a forthright interpretation of the court's rules.”