

## **New Judge Has Chance To Improve Tribunal's Legacy, Monitor Says**

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Observers of the Khmer Rouge tribunal say they fear the UN-backed court is not going to be able to complete its work, leaving a failed legacy in the face of government opposition to two more cases.

Latt Ky, a monitor for the rights group Adhoc, said he is concerned with the slow pace of progress in cases 003 and 004, which would require five more arrests and indictments, but the recent UN nomination of an investigating judge could signal continued interest in their pursuit.

“I hope the UN will not leave these cases half way, because if they leave them half way, it’s a failed model for other criminal courts,” he said.

The tribunal, which stood up in 2006, has weathered continued funding woes, allegations of corruption and mismanagement and controversy over government interference.

It is now facing donor fatigue, with international funding dwindling, as well as disillusionment among those victims who have sought to participate in the process, Latt Ky said.

With the UN announcement this week of the appointment of Mark Harmon, an American judge, to replace a resigned investigating judge, the court has a chance to continue its work, he said. “But how much further it can go, I don’t know,” he said.

At stake in cases 003 and 004 are the potential indictments of five more Khmer Rouge cadre, whom prosecutors say were most responsible for mass killings at prison camps, in purges and in labor cooperatives.

Prime Minister Hun Sen has said these cases must not go forward, lest they unsettle former Khmer Rouge. Victims say they want the court to try as many responsible as possible.

Three investigating judges have resigned from their position since the tribunal's inception. The most recent two were over the two cases, with the last judge, Laurent Kasper-Ansermet, claiming he had faced opposition from his Cambodian counterpart. The office has also seen walkouts of international staff over its handling of the cases.

Latt Ky said he wanted to see the two cases pursued to their conclusion, even if that means only officially naming the five suspects—something the court has refused to do, despite name leaks to local and international media.

Tribunal spokesman Neth Pheaktra said he believed the judges will be able to overcome any problems or differences through internal court procedures. “We don't believe there is anything we can't solve when there are obstacles in the future,” he said.