

**New Judge Will Face Old Hurdles, Tribunal Observers Say**  
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The newly appointed international investigating judge at the UN-backed Khmer Rouge tribunal will face many of the same obstacles that led to the resignation of his predecessors, court observers say.

Mark Harmon, a US judge, was announced as the UN's choice of investigating judge on Monday, the third judge to hold this position in under a year. The hybrid court is now awaiting his arrival, amid ongoing controversy over two unfinished cases before his office and a broader budget crisis within the court.

Harmon's two predecessors quit their posts due to difficulties surrounding cases 003 and 004, which would require five more indictments by the court and are strongly opposed by Prime Minister Hun Sen, senior government officials and Cambodian tribunal judges.

"It's the duty of the investigating judge to investigate crimes within the jurisdiction of the [court], and to do so impartially," said Nushin Sarkarati, a legal assistant at the Center for Justice and Accountability. The government, however, "has consistently made it difficult for these judges to fulfill their duties."

Issues surrounding cases 003 and 004 now threaten the legitimacy of the court, she said. "The public now perceives the court as a political body, when a court should be completely independent from the government."

Observers say there is little interest among Cambodia's current leadership to have some of their history with the Khmer Rouge aired.

This week, two top ministers within the government, Foreign Minister Hor Namhong and Finance Minister Keat Chhon, were named by a court witness as members of the Khmer Rouge after its rise to power. Both men—and four other top officials—have ignored court summonses to be witnesses as atrocity crimes trials for three aging leaders of the regime are underway.

James Goldston, executive director of the Open Society Justice Initiative, welcomed Harmon's appointment. However, he said in a statement: "The test now is whether the Cambodian government will allow him to do what his predecessors could not: effectively and thoroughly investigate the two remaining cases—003 and 004—on the Court's docket."

Skeptics say any further prosecutions at the court are unlikely. Many Khmer Rouge folded into the government under amnesty deals and are uneasy with further prosecutions, and Hun Sen has said further indictments could destabilize the country.

Peter Maguire, a law professor and author of "Facing Death in Cambodia," told VOA Khmer the UN should ignore the last two cases and "finish this once and for all."

"Cases 003 and 004 were never part of Hun Sen's original deals with the UN," he said. "And for the UN to keep coming back as if they somehow have autonomy in Cambodia, it's laughable."

Not all court observers are as skeptical.

Chhang Youk, director of the Documentation Center of Cambodia, said that the previous judges, despite their resignations, helped resolve some of the obstacles that might stop cases 003 and 004 from going forward.

"I think that it's an important chapter, because this is an issue that has caused murkiness in the court, despite many successes the court has achieved so far," he said.

The court has been funded voluntarily by foreign donors, he said. "So we should let the international community see the positive successes of the court."

Meanwhile, the tribunal is facing ongoing funding woes. Money for UN side of the court could dry up later this month if more funding does not appear. A UN diplomat speaking on condition of anonymity said the court needs about \$8 million to run the rest of the year. It needs about \$90 million total to run this year and next, the diplomat said.