

# The Phnom Penh Post

## **Tribunal concludes Case 002 inquiry**

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The Khmer Rouge tribunal announced the provisional conclusion of the judicial investigation in its second case on Thursday, setting a tentative timeline for the prosecution of the regime leaders currently awaiting trial.

UN court spokesman Lars Olsen said the co-investigating judges hoped to issue a closing order in Case 002 by September of this year, paving the way for a trial shortly afterwards.

“The earliest possible time for a trial, if there will be a trial, will be the end of this year,” Olsen said. He noted, though, that there is no guarantee that indictments will be issued in the case. With the conclusion of the investigation, all parties to the case now have 30 days to request further investigative actions. The co-investigating judges must then either carry out these requests or refuse them and explain their reasoning, with court parties given 30 days to appeal refusals.

Upon the conclusion of this appeals process, the co-investigating judges will then forward the case file to the prosecution, which then has 45 days to make a final submission. Following receipt of this submission, the judges will issue a closing order: either an indictment or a dismissal of the case.

Thursday’s announcement marked the provisional conclusion of a two-and-a-half year investigation of the former leaders of Democratic Kampuchea now in detention: Brother No 2 Nuon Chea, foreign minister Ieng Sary, head of state Khieu Samphan, social action minister Ieng Thirith and Tuol Sleng prison chief Kaing Guek Eav, alias Duch.

### **Destruction across the map**

The Khmer Rouge tribunal announced in November that the security centres and execution sites included in the map below fall within the scope of the investigation against the five detained regime leaders. The estimated death tolls were cited in a December presentation by a Victims’ Unit staffer, though the court later stated that the presentation had been unauthorised, and that it did not stand by the numbers. Other sites relevant to the investigation include cooperatives throughout Cambodia.

Olsen said that a decision about a possible second round of indictments against Duch – who was the sole accused in the court’s first case, which concluded in November and is now awaiting a verdict – will come with the closing order, which will deal with each suspect individually.

Court spokesman Reach Sambath downplayed concerns that some or all of the ageing defendants may die before the conclusion of legal proceedings against them. “Their health is fine, in the meantime,” he said, adding that the five suspects in custody have “no specific health problems”.

Michael Karnavas, international co-lawyer for Ieng Sary, said his defence team had submitted “certain investigative requests” and was considering its options going forward. He questioned what effect further investigation might have on his team’s perception of the court’s impartiality, however.

“Thus far, there is little evidence, if any, from which to conclude that any credible efforts have been made to search for and collect exculpatory evidence,” he said. “There is a difference between validating what the [prosecution] alleges in the introductory submission and actually going out and searching for exculpatory evidence.”

### **Connecting with the public**

Since September, with the conclusion of evidentiary hearings in Duch’s case, the court’s Public Affairs section has been leading outreach trips that take visitors to Tuol Sleng and the “killing fields” at Choeung Ek, as well as on a tour of the court facilities. Visitors from across Cambodia are provided with transportation and food, with about 4,000 people participating thus far.

“There is such a great interest among people to learn and visit the court, so even if there is no trial, they want to come and see the court,” Olsen said.

Excursions accommodating 600 people per week are booked until February, Olsen added, though he said the trips will continue “as long as there is interest”.

Members of the public have until January 29 to submit civil party applications for Case 002, the court said in a statement on Thursday. The institution had received 3,533 such applications as of the end of December.