



**GENOCIDE WATCH**

**THE INTERNATIONAL ALLIANCE TO END GENOCIDE**

**With One Trial Finished, Questions Loom Over Controversial Cases**  
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Photo: AP

A Cambodian court spokesman Huy Vannak, left, delivers court documents at the court entrance of the U.N.-backed war crimes tribunal in Phnom Penh, Cambodia, Tuesday, Nov. 22, 2011.

With Duch's sentencing complete, and a trial for three top leaders under way, the Khmer Rouge tribunal must still face thorny questions over two more cases and five more suspects.

Cases 003 and 004, which are before the office of investigating judges, would require indictments that senior Cambodian officials strongly oppose.

Andrew Cayley, the international prosecutor at the court, says the court cannot simply drop the charges brought against the five suspects.

"You cannot dismiss charges except where there has not been a crime committed, the perpetrators have not been identified, or where there is insufficient evidence," he said in an e-mail Wednesday. "The court will only remain credible and just if all parties involved follow the law and the rules. If legal processes are hijacked for other ends this will adversely affect the court's legacy."

However, critics of the court say it is unlikely to see the two cases through in the face of continued government opposition, funding woes and other obstacles.

**GENOCIDE WATCH is the Chair of the International Campaign to End Genocide**  
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The Cambodian government has weathered intense criticism in recent weeks, for failing to approve the UN nomination of an international investigating judge, following the resignation of a German judge last year who said public opposition to the two cases by senior government officials made it impossible to do his job.

Without the official sanction of the government, the new judge, Laurent Kasper-Answermet, could face legal hurdles pushing the two cases forward, court observers said.

For now, Case 003, which would indict two suspects, appears closed, while Case 004, which accused three more Khmer Rouge leaders of atrocity crimes, remains in the office of investigating judges.

And the rule on whether Kasper-Anserment can legally reopen Case 003 is “a bit vague,” said Anne Heinel, a legal expert for the Documentation Center of Cambodia.

Court monitors say that without the cooperation of the host country, it will be difficult to move the cases forward at all.

Peter Maguire, author of “Facing Death in Cambodia,” said a dismissal of the cases will be a political choice, not a legal one.

“For years Cambodian Prime Minister Hun Sen has stated unequivocally that Case 002 against the senior Khmer Rouge leaders would be the [tribunal’s] last trial,” he told VOA Khmer Thursday. “However the UN brass refuses to accept their host’s political decision.”

Meanwhile, two suspects in those cases told VOA Khmer this week they would be relieved to have the cases dropped.

Im Chaem, who is named as a suspect in Case 004, said she would like the court to drop the case against her.

“My feeling would be delight, and I would never think about involvement in past politics,” she said.

Meas Muth, a suspect in Case 003, said Cambodia needs peace and reconciliation, not another trial.

“In fact, everyone needs to apply the principle of national reconciliation well, in order to have safety and peace in our society,” he said. “No one other than ourselves will think about that. And if again we have suffering, no one will come to help us.”

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