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Now or Never for the UN as the ECCC Appoints International Co-Investigating Judge Mark Harmon

The Cambodian Centre for Human Rights (“CCHR”) welcomes the appointment of the latest International Co-Investigating Judge at the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”), Mark Harmon. Harmon is the third judge to take on this role in less than 12 months. His appointment follows the resignations of Seigfried Blunk and Laurent Kaspar-Ansermet, both of whom departed the ECCC under clouds of controversy surrounding the failure to investigate properly and freely cases 003 and 004. Both Blunk and Kasper-Ansermet cited political interference surrounding investigations into cases 003 and 004 and efforts to thwart any additional prosecutions as the reasons for their resignations. Kasper-Ansermet described the situation at the ECCC as “dysfunctional”.

Harmon – an American lawyer – comes to the ECCC with 17 years’ experience as a prosecutor at the International Criminal Tribunal for the Former Yugoslavia, but it will take more than heavyweight legal credentials to steer the ECCC back on course. Both the Royal Government of Cambodia and the United Nations must ensure that Harmon is afforded the necessary freedoms to conduct his investigations in an objective manner, without opposition or interference. If not, then the task of holding those most responsible for the Khmer Rouge atrocities to account may prove to be out of Harmon’s control.

Summing up the gravity of the situation, CCHR President Ou Virak commented:

“This really is a case of now or never. Both the ECCC’s reputation and justice for victims of the Khmer Rouge are in the last chance saloon and will be defined by this next chapter. Mark Harmon must be allowed to do his job properly and conduct future investigations without opposition, obstruction or interference. Nothing less is acceptable. If it’s a déjà vu scenario, then it will be time for the UN to pack up its bags and go home”.

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