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Release sought for Ieng Thirith

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FORMER Khmer Rouge social action minister Ieng Thirith appeared on Monday before Cambodia's war crimes tribunal, where her lawyers argued that there was not sufficient evidence to justify her continued detention.

In an appeal against Ieng Thirith's provisional detention, defence lawyer Phat Pouy Seang said "hardly any connection" could be made between his client and the crimes for which she has been investigated.

"The overall evidence does not support the finding that there are well-founded reasons to believe that the charged person may have committed the crimes described in the introductory submission," Phat Pouy Seang said. The introductory submission, filed by prosecutors to the co-investigating judges in 2007, contains a list of suspects and potential crimes for investigation.

Karlijn Van der Voort, a legal consultant for the defence team, called for Ieng Thirith's provisional release to the home of her daughter in Phnom Penh, citing "the absence of real power and responsibility on her side" for the crimes under investigation.

International prosecutor Vincent de Wilde countered that substantial evidence against Ieng Thirith has been gathered thus far, including "at least 80" interviews "involving her".

"If you analyse the evidence in the case file, you will notice that the vast majority of the evidence is inculpatory," he said.

Monday's hearing perhaps offered a preview of the strategy that Ieng Thirith's defence team will use at trial, said Anne Heindel, a legal adviser at the Documentation Centre of Cambodia. Lawyers, Heindel said, may seek to distance the Khmer Rouge "first lady" from decisions made by more senior regime figures such as Nuon Chea, who is also awaiting trial.

"I'm sure that they must think there's less direct evidence tying her in," Heindel said.

De Wilde told the court that there was a substantial risk of witness intimidation by Ieng Thirith should she be released, citing a court hearing in February of last year in which she said those who accused her of murder would be “cursed to the seventh level of hell”.

De Wilde characterised the tirade as one of “violence” and “cynicism”, prompting Van der Voort to interrupt him on Ieng Thirith’s behalf.

“The prosecution’s statements may provoke [Ieng Thirith] to go against her own wish not to speak,” Van der Voort said. “I would like to ask the prosecution not to make any unnecessarily inflammatory statements.”

Judges declined to admonish the prosecution on this point, and Ieng Thirith showed little of the aggression she displayed last year. De Wilde noted, however, that Ieng Thirith has been continually disruptive while in detention.

“She regularly and violently, on at least 70 occasions, threatened co-detainees at the detention facility and also threatened guards at the detention facility,” de Wilde said.

Ieng Thirith sat impassively for most of the hearing, aside from a brief statement at the conclusion of the proceedings discussing her family background.

Under questioning at the outset of the hearing, she appeared to have difficulty recalling her children and said she had forgotten the name of her husband, fellow defendant and former Khmer Rouge foreign minister Ieng Sary.

But despite lingering concerns about her mental health, Judge Ney Thol said a recent medical examination had found Ieng Thirith fit to appear before the court.

“In relation to her psychiatric health, the experts found that Ms Ieng Thirith has not suffered mental disorder, and her cognitive function ... was largely consistent with her age, and that she is able to stand trial,” Ney Thol said.