

Tribunal Asked To Call Hun Sen: Letter Sok Khemara March 2, 2010

Khmer Rouge tribunal investigators were requested to call Prime Minister Hun Sen to testify with other key government figures, but declined, according to a confidential court order obtained by VOA Khmer.

In the days before they concluded their investigation of the tribunal's second case, judges Marcel Lemonde and You Bunleang decided Hun Sen "was not likely to provide additional evidence" and that he should not be interviewed.

The decision was a response to a request from the defense teams of Nuon Chea and Khieu Samphan, who wanted Hun Sen interviewed along with Foreign Minister Hor Namhong, Finance Minister Keat Chhon, and other senior government leaders.

"They are not likely to provide any additional evidence in relation to that already obtained from a large number of documents or from interviews of other witnesses, 725 in total," You Bunleang wrote.

In January, judges closed the investigation of Case No. 002, which will try Nuon Chea, Khieu Samphan, Ieng Sary, Ieng Thirith and Kaing Kek Iev for atrocity crimes.

Defense for Nuon Chea and Khieu Samphan have reportedly filed a complaint to the Pre-Trial Chamber of the UN-backed court over the decision.

The decision raises more questions about the independence of the court, which had sought to question senior Cambodian People's Party members last year but was refused.

"A critical test for the success of the [tribunal]—as for all courts trying international crimes—is that the judicial process be allowed to run its course without political interference," James Goldston, executive director of the Open Society Justice Initiative, in New York, told VOA Khmer.

The group remains concerned over government objections to trials of lower-tiered Khmer Rouge and of the senior officials' refusal to testify, he said.

"It is important for the rule of law in Cambodia that decisions about whom to charge, what to charge and who should testify be made by judges, not politicians,"

he said.

Cambodian officials have denied political influence at the court, and tribunal officials say the court works independently, according to agreements between the UN and Cambodia.

Meanwhile, the tribunal retains the right to issue arrest warrants along with subpoenas but has no real way to enforce them.