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Judges unable to get KR film

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THE investigating judges at the Khmer Rouge tribunal said in a document made public last week that they have been unable to acquire a copy of an award-winning documentary including commentary from Nuon Chea and other former Khmer Rouge leaders that may influence proceedings in the court's crucial second case.

The film in question is *Enemies of the People*, a documentary scheduled for general release later this year that has garnered numerous honours on the festival circuit over the past few months, including the Special Jury Prize at this year's Sundance Film Festival in the United States. In a document dated April 9, the co-investigating judges (CIJs) said that despite repeated requests, filmmakers Thet Sambath and Rob Lemkin have declined to give the court access to their footage as the judges work to complete their investigation.

Through interviews conducted over a 10-year period, Thet Sambath, who also works as a senior reporter for *The Phnom Penh Post*, secured footage of Nuon Chea admitting his role in the leadership of Democratic Kampuchea and justifying mass killings.

"Although the contents of this film and any declarations made by Nuon Chea therein must be afforded a lesser degree of weight compared to evidence gathered directly by the CIJs during the investigation, the CIJs agreed with the [co-prosecutors] ... that the film could contain information that might be of interest to establishing the truth in Case File 002," the judges wrote.

Following a screening at Sundance in January, the judges noted, Lemkin told reporters that the film "is going to be used by the court and given to the court". In correspondence with court officials in subsequent months, however, Lemkin declined to make the film available prior to its official release, instead offering to arrange a screening of the film for court officials.

"The CIJs consider that waiting until the public release of a film – at which point it can be easily obtained without any assistance required of the filmmakers – cannot be equated to the court being 'given' the film," the judges wrote, adding that it was "deeply regrettable that despite these comments made to the international press,

the filmmakers showed to be subsequently unwilling to cooperate”.

Thet Sambath said that although the court is welcome to use the film after its official release in the Kingdom, expected in June, he would consider cooperation with judges prior to that point a breach of promises he made to Nuon Chea and other interviewees.

“I told them that I am not working for the court, I am not from the court – I’m just doing my own investigation on Khmer Rouge history, so that’s why these people were talking to me,” he said. “After the release, if the court wants to use it, it depends on the court, because everything’s for the public.”