



**Lawyers call for KRT probe**  
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Khmer Rouge tribunal investigating judge Marcel Lemonde, shown in February 2009, has stirred controversy by requesting that six senior government officials appear as witnesses at the court.

DEFENCE lawyers for former Khmer Rouge Brother No 2 Nuon Chea have requested that the UN-backed Khmer Rouge tribunal investigate alleged political interference, saying that government meddling threatens their client's right to a fair trial.

In a filing dated Wednesday, the team accused the government of pursuing a "concerted policy" to prevent the questioning of government officials and derail investigations into additional regime figures.

The lawyers said this interference could have a "chilling effect" on Cambodians working at the court.

"Recent developments have confirmed longstanding suspicions that certain members of the Royal Government of Cambodia are interfering with the administration of justice at the ECCC," the filing stated.

"Such executive meddling in the work of what should be an independent judiciary is contrary to the internationally accepted standards applicable to these proceedings and threatens to duly compromise Nuon Chea's right to a fair trial."

The filing pointed to recent statements by Prime Minister Hun Sen and other senior officials that six senior government officials summoned to give evidence at the court were under no obligation to honour the court's request.

It also implied that political pressure was behind a recent decision by Co-Investigating Judge You Bunleng to "unsign" a rogatory letter authorising investigations into an additional five unnamed suspects.

"The [government's] interference with the work of the ECCC in general, and with the work of You Bunleng in particular, has already violated Nuon Chea's right to a fair trial and will continue to do so in the future," it stated, and called for the court's Pre-

Trial Chamber (PTC) to order an “an independent investigation” into its allegations.

“As the [government’s] interference is arguably ongoing, Nuon Chea’s rights are further harmed each day the PTC fails to take action,” the filing said.

The filing echoes recent concerns from court monitors. In a report released this week, the New York-based Open Society Justice Initiative warned that the tribunal risked falling victim to the “corrosive impact of political interference” by government officials.

“Troubling evidence exists that the Cambodian government is improperly attempting to limit what the court can and cannot do,” the report stated, citing examples similar to those raised by Nuon Chea’s defence team.

Victor Koppe, one of Nuon Chea’s lawyers, said yesterday that a failure to act on the allegations could damage the court’s credibility.

“If this remains uninvestigated – if it remains up in the air – the [court’s] legacy will be seriously endangered,” he said.

One observer, however, said that the court might not be able to launch a complete investigation, and noted that there are other options for addressing the trials’ political ripple effects.

“The problems that have appeared were foreseen in advance, and there are mechanisms set up to deal with them,” said Anne Heindel, a legal adviser at the Documentation Centre of Cambodia.

Heindel said that in the case of officials who refuse to give testimony, investigating judges have the power to compel their appearance at the court.

But the significance of their absence – and the question of whether an investigation is appropriate – comes down to the quality of the evidence judges believe they can offer, she said.

“It’s really up to the judges to determine how essential the evidence coming from these individuals is and then take action,” she said.

Court spokesman Lars Olsen said yesterday that he was not aware the filing had been submitted, but that judges at the tribunal were bound by professional standards of impartiality.

“All judges have sworn an oath to act independently and to take instructions from no one and are also bound by a professional code of conduct which requires them to act independently,” he said.