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## Lawyers Debate Scope of Khmer Rouge Trial August 20, 2012

The scope of the first and, according to the prosecution, likely only trial in the Khmer Rouge tribunal's landmark second case is being determined behind closed doors, much to the dismay of the involved parties, lawyers said yesterday.

In a closed session Friday, lawyers for every party put forward their cases regarding the enlargement of the scope of the first segment of Case 002 to include three additional crime sites proposed by the prosecution.

Speaking to the Post yesterday, Michael Karnavas, defence counsel for former Minister of Foreign Affairs Ieng Sary, said he reiterated his position that such discussions should have been held in public.

"These are more than just management issues, these are major substantive issues," he said. "These are matters that will impact what we have also covered thus far [in the trial]."

Trial Chamber judges issued a non-debated, non-appealable order in September of last year, less than two months before the start of substantive hearings in Case 002, that the charges against the co-accused would be severed into several discrete trials.

Karnavas said the parties managed to only get part way through an ambitious – and contentious – agenda of items that would have to be the subject of continued discussions in the future.

The prosecution wants three extra sites included: the Kampong Tralach Leu (District 12) execution sites, the Tuol Po Chrey execution site and the S-21 Security Centre.

"One of the key concerns of the Co-Prosecutors, for reasons conveyed to the Trial Chamber in previous filings, is that there is a significant risk that there may be no second trial against these Accused," the prosecutors said in a recent filing on the Trial Management Meeting.

They expect the addition of three extra sites will involve a five to six week extension, with all proceedings in Case 002/1 wrapping up by August 2013.

However, Karnavas said the real time extension would be closer to six months than six weeks.

International civil party lead co-lawyer Elizabeth Simonneau Fort said that the civil parties agreed with the prosecution that there should be an extension to the scope of Case 002/1 and said that the Trial Chamber's severance has simply not been good enough.

"We want to see something symbolic [of the crimes in the indictment]," Simonneau Fort said. "We agree to the extension, but we cannot just decide which group of victims is in and which is out."

"Severance is very difficult for the victims to accept. It was not discussed with the civil parties before [the decision to sever]," she said yesterday. "On the extension of the trial issues, we would have preferred a public session. It is a very, very important item about what goes in this trial, [which] will probably be the only one."