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KRT Defense Targets National Assembly Head

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Defense lawyers for Khmer Rouge war crimes suspect Nuon Chea sought to highlight the role played by National Assembly President Heng Samrin in the fall of Phnom Penh in 1975, despite repeated objections by the prosecution at the Khmer Rouge tribunal on October 25.

Witness Kung Kim, who was a Khmer Rouge foot soldier tasked with making sure that stragglers were “cleaned up” after the initial April 17, 1975, attack on the city and the evacuation of the entire urban population, insisted that he was low-ranking and that his movements were limited.

Because of this claim, Nuon Chea’s defense counsel Jasper Pauw used his questions to convey the argument that Mr. Samrin, who was a former Khmer Rouge commander of an Easter Zone army division involved in the final attack on Phnom Penh, would be better equipped to elucidate the evacuation of the city.

After reading excerpts of a statement given by Mr. Samrin to Khmer Rouge historian Ben Kiernan in 1991, in which the National Assembly president described his movements during the 1975 forced evacuation, Mr. Pauw asked: “Would a division commander like Heng Samrin, who was among the first to arrive in Phnom Penh, be able to give us a clearer idea of what happened?”

But tribunal prosecutor Tarik Abdulhak objected, arguing that this was asking the witness to speculate. Mr. Pauw reworded and repeated the question several times, only to be met with further objections.

On Wednesday, Mr. Kim described how he and his Khmer Rouge comrades had been ordered to shoot into crowds of civilians and ensure that the city was left empty. But as his testimony continued on October 25, he spoke of having a limited knowledge of the events following the evacuation of Phnom Penh.

“I was not allowed to move freely. I had a low-level position. I had no idea what happened in the rest of city; I guarded a small section of blocks.”

Mr. Samrin, on the other hand, had up to 10,000 men under him and was in Phnom Penh starting at 9 a.m. on the day the evacuation began, Mr. Pauw said. “He is the highest-ranking Khmer Rouge commander that entered Phnom Penh and is still alive today,” Mr. Pauw said by telephone.

“All the stuff we’re talking about he saw and could testify to. But the Trial Chamber doesn’t want to hear this witness because of political sensitivities. In any normal court, in a fair trial, this witness would be the first on the list. Such a high-ranking commanding officer would need to be heard.”

Mr. Samrin is among several serving government officials who were senior officials in the Khmer Rouge, but have refused to testify as witnesses at the tribunal.

Clair Duffy, a trial monitor with the Open Society Justice Initiative, said higher-ranking officials would have “pertinent evidence to give.”

“The fact remains that Mr. Samrin and other government officials have still refused to comply with a summons for their testimony, which was determined—by the co-investigating judges—to be important. The Trial Chamber will have to address this issue, and preferably sooner rather than later,” she said.