

# The Phnom Penh Post

## **Court confusion James O'Toole & Cheang Sokha November 30, 2010**

Judges at the Khmer Rouge tribunal have rejected a request to appoint a lawyer for the five as-yet-unnamed suspects who could face prosecution in the court's third and fourth cases.

In a statement released yesterday afternoon, the court's Defence Support Section said veteran Cambodian lawyer Kong Sam Onn had been tapped to "represent the general interests of the five Unnamed Suspects currently under investigation by the Office of the Co-Investigating Judges". Yesterday evening, however, the court released a new statement saying such an appointment had been rejected.

"The concept of assigning legal counsel to represent unnamed suspects in Cases 003 and 004 has explicitly been rejected by the co-investigating judges in September 2010 upon a request from the Defence Support Section," UN court spokesman Lars Olsen said. "This means that unless the judges decide otherwise, any lawyer assigned by the Defence Support Section will not be recognised by the court."

Defence officials argued that the appointment was necessary to safeguard suspect rights as the investigations progress.

"Defence input is required for these proceedings to meet fair trial standards. If the proceedings cannot meet these standards, then they should be dismissed," Kong Sam Onn said in an email. "This is not just important for Cases 003 and 004, but also for the legacy of the [tribunal]."

Rupert Abbott, the officer-in-charge of the DSS, said in an email that it was vital that Kong Sam Onn be granted access to case files 003 and 004 "to consider any evidence and to ensure that the rights of the Unnamed Suspects are being respected".

Last year, international prosecutor William Smith submitted to the court's co-investigating judges a list of five potential suspects, the identities of whom remain confidential.

In June, international co-investigating judge Marcel Lemonde announced that he was pursuing the investigations on his own due to a lack of support from his Cambodian colleague, You Bunleng.

Lemonde's resignation from the court is set to take effect today. You Bunleng said yesterday that he would consult with Lemonde's successor, Siegfried Blunk, about the course of investigation in Cases 003 and 004.

Olsen said yesterday that investigation had thus far been confined to "crime bases", and had not yet focused on particular individuals.