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Court rebuffs defence criticism

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A confidential document found floating in a pond outside the Khmer Rouge tribunal last week was not stolen, and the political affiliations of one prominent official will not compromise her work at the court, tribunal officials said Wednesday at a press conference during which they addressed a series of concerns recently raised by two defence teams.

Lawyers for former Khmer Rouge leader Nuon Chea claimed last week that the confidential document had been taken from their office and called for an investigation into the alleged security breach. But spokesman Lars Olsen said a report by security officials had concluded that no theft had occurred.

"The main conclusions are clear: There is absolutely no evidence to substantiate any allegations of foul play or theft at the tribunal," he said, declining to explain how the document got into the ditch until the report was finalised.

The document was a draft of a letter from defence lawyers to the newly appointed Victims' Unit head, Helen Jarvis, expressing concern over an open letter - to which Jarvis was a signatory - written by members of the Leninist Party Faction (LPF) of Australia's Democratic Socialist Perspective.

Concern over the appointment was also voiced by the lawyers for Ieng Sary as well as civil society groups.

Olsen read a letter from Deputy Director of Administration Knut Rosandhaug to the Ieng Sary defence team that stated in part, "Every member of staff has the right to their personal, political views."

The comment upset lawyers, who said their concerns had not been addressed properly.

"At best this is a case of negligence," Andrew Ianuzzi, a legal consultant for Nuon Chea, said, referring to the alleged security breach.

"Documents were placed in a box for shredding and signed over to someone to take them to the shredder," he said.

He added that the comments regarding Jarvis "completely missed the point".

"Of course everyone has the right to their own political beliefs, but as a matter of fact, sometimes people's political beliefs are incompatible with their professional responsibilities," he said.

Michael Karnavas, co-lawyer for Ieng Sary, called for any indication of impartiality to be investigated.

"It is fundamental that the people occupying public and important positions at the ECCC ... are completely impartial in the exercise of their duties. Any factor which may affect this impartiality must therefore be investigated," he said.

Judges 'offend' lawyers

Chief of Defence Richard Rogers, also speaking Wednesday, said that it was a misconception that the recent spate of concerns by the defence teams were slowing down proceedings.

"Lawyers have the professional obligation to raise issues of fair trial if and when they arise," he said, adding that lawyers were "offended" by recent comments by a judge accusing them of impeding investigations by allowing the defendants to exercise their right to silence.

He also addressed repeated concerns about political interference at the court, which lawyers now claim to be a matter of fact.

Nuon Chea's defence team said last week that it had been "reliably informed" that investigating judges and prosecutors were taking instructions from the government on whom to interview and prosecute.

In a series of letters last week, the lawyers demanded the four individuals confirm or deny the accusation in writing. Rogers said Co-investigating Judge Marcel Lemonde is the only person to have responded so far.

"If prosecutors decide who to prosecute based on political affiliations and not evidence, there is no equality before the law," he added.