

The Phnom Penh Post

KRT defence motions denied

Bridget Di Certo

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The Trial Chamber's decision to reject defence counsel's petitions to have New Zealand Judge Silvia Cartwright removed and investigated was published by the Khmer Rouge tribunal yesterday.

In a decision dated December 2, the Trial Chamber dismissed defence motions to have Cartwright investigated and permanently disqualified due to a perception of "bias" stemming from ex parte meetings between Cartwright, international co-prosecutor Andrew Cayley and the deputy director of administration at the tribunal.

Nuon Chea's defence counsel believed these meetings gave the appearance of "bias" by Cartwright towards Cayley and his office.

Ieng Sary's defence had petitioned the chamber for further information about the meetings to correct any such perception.

Both motions were denied by the Trial Chamber as invalid and void of merit. In the decision, the Trial Chamber found it was common for international courts to have administrative meetings among UN staff.

Cartwright sits next to Trial Chamber president Nil Nonn on the judges' bench when the court is in session. Throughout opening statements and the first week of evidence last week, those in the court gallery witnessed Nil Nonn frequently turning to Cartwright when deliberating decisions.

A motion by Nuon Chea's defence counsel for an investigation into alleged political interference at the tribunal, filed with the Phnom Penh Municipal Court on October 24, was also rejected yesterday.

The defence team had filed a criminal complaint with the national court requesting an investigation into alleged interference by senior government officials, including Prime Minister Hun Sen, at the tribunal.

Hun Sen, Senate president Chea Sim, National Assembly president Heng Samrin and eight other officials allegedly participated in a "common criminal plan" to interfere with the court's work, according to a copy of the complaint. Nuon Chea's defence team was not available for comment.