

**Khmer Rouge Court Judges Expand Case Scope**  
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The trial chamber of the Khmer Rouge tribunal announced its decision yesterday to expand the scope of the first segment of its landmark second case, but agreed to only a fraction of what prosecutors requested.

Of the three new criminal sites proposed for inclusion by the prosecution in January, the chamber has decided to include one – Tuol Po Chrey, where an estimated 2,000 to 3,000 Lon Nol soldiers and police were executed.

In a notification released late yesterday, the chamber said it had decided against including the infamous detention and execution centre S-21 and the lesser-known execution sites of Kampong Tralach Leu (District 12), saying that adding the additional crime sites would “risk a substantial prolongation” of the proceedings, and would not fit neatly into the allegations now being tried.

“Killings at Tuol Po Chrey which immediately followed the fall of Phnom Penh appear to be a logical extension of the existing allegations in Case 002/01, and may be incorporated following a relatively brief extension of trial,” the filing continued, adding that the new facts would mean calling only two more witnesses.

In September last year, the chamber severed the case against the regime’s top living leaders into an undisclosed number of discrete trials. The first, known as Case 002/01, focuses solely on forced evacuations and prosecutors have argued that the narrow focus insufficiently represents the gravity of the crimes.

Clair Duffy, a Khmer Rouge tribunal monitor for the Open Society Justice Initiative, called the decision a “small victory for the prosecution”.

“Just from reading the document, it will result in the least amount of increase in terms of time, while including, I think, the maximum number of victims,” she said, noting that the concerns over defendants’ health that had initially motivated the separation of Case 002 into smaller sub-trials had become even more pressing.

“I think they’re still trying to get to the stage of delivering a verdict as soon as possible, but I think that they are recognising that there is a strong public demand for them to include more of the criminality,” Duffy added.

The defence has expressed concerns over the fact that arguments for and against the

expansion were made behind closed doors.

“These are more than just management issues, these are major substantive issues,” Ieng Sary defence counsel Michael Karnavas told the Post in August – days after a hearing was held to examine the possibility of broadening the trial’s scope. “These are matters that will impact what we have also covered thus far [in the trial].”

Yesterday, tribunal monitor Duffy agreed, saying that the meeting “should have been held in public from the outset”.