

Ieng Thirith Walks Free
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Ieng Thirith, the 80-year-old former Khmer Rouge Minister of Social Action accused of genocide and crimes against humanity, walked out of a detention facility yesterday a free woman after being held for nearly five years as a defendant in Case 002.

Based on recent medical findings outlining Thirith's deteriorating mental state and dementia, the Khmer Rouge tribunal yesterday announced a decision by the Supreme Court Chamber to release her — under certain conditions, including restraints on travel.

The ruling heeds, in part, an appeal filed by the prosecution after the Trial Chamber ordered her unconditional release on Thursday.

Pending hearings by the Supreme Court Chamber on that appeal, which are expected within the next two weeks, Thirith can go anywhere she wants within the borders of Cambodia.

The ruling states that, to abide by the terms of the release, she must remain in the country, surrender her passport, respond to any court summons and provide an address to the court that cannot be changed without prior approval.

Tribunal spokeswoman Yuko Maeda said relatives picked her up at the tribunal's detention facility in the early afternoon. Citing safety concerns, Maeda declined to provide information on where Thirith was being taken. "We have to protect a person's security. We cannot say where to."

The two most likely destinations are believed to be a house maintained by family in Phnom Penh, or to her hometown in Pailin province, one of the last Khmer Rouge strongholds.

According to someone close to the family, who asked not to be named, the house in Pailin is currently unoccupied, and Thirith will live in Phnom Penh where she can get the care she needs. Thirith was connected to several senior leaders in the regime. She was Pol Pot's sister-in-law, and married to Ieng Sary, one of the three remaining co-accused in Case 002.

After Trial Chamber judges found Thirith unfit to stand trial in November, prosecutors appealed the decision to the Supreme Court Chamber, which overturned the order and called for continued medical treatment.

More than two weeks ago, a panel of court-appointed medical experts from abroad found Thirith suffered from moderate to severe dementia, despite contradictory findings from her Cambodian physician.

The judges said in their resulting decision that “there is no prospect that the Accused can be tried in the foreseeable future”.

The prosecution had requested six conditions to Thirith’s release, including that she be available for weekly safety checks.

At the time, however, the judges declined to impose any conditions, a decision that was modified with the new travel restraints.

Letting Thirith go because of her unfitness to stand trial has been supported by attorneys from both sides, and there was no change of heart yesterday.

“The President felt that since everyone agreed that she should be released it was not a proportionate measure to keep her detained while the SCC [Supreme Court Chamber] decided the appeal,” said international Co-Prosecutor Andrew Cayley in an email.

“It is the right decision and you can see he has already imposed additional interim conditions pending the resolution of the appeal.

After the initial order to release Thirith on Friday, researchers with the Documentation Center of Cambodia interviewed 27 civil parties in Case 002 and teachers to gauge their reactions.

The general sense from the responses, according to the report, is that it “is hard to accept that one of the already few suspects are being released from the ECCC detention facility indefinitely”.

Man Kry Yah, one of the civil parties interviewed, was less than pleased. “I would pardon and forgive if Ieng Thirith has an illness which made her unable to speak out and understand. But Ieng Thirith has good health. ECCC should further try her. My tremendous sufferings are caused by the killing of my uncle, aunt and grandparents.”

The street in east Phnom Penh where Thirith’s family lives was quiet after the release yesterday, and there was no evidence of a celebratory homecoming.

Reporters and videographers waited outside the large, three-storey house with red roof, eaves and balconies overlooking a leafy front yard. The gate opened to let a few cars into the compound, but there were no sightings of Thirith.

Diep Sok, 38, a mototaxi driver who often gives Thirith’s relatives rides to the market, was indifferent to the news of her release. When the tribunal started, he was still angry at

the regime, which he had grown up under as a child. He has, however, lost interest in the court.

"I don't care. It was a long time ago," he said.