

Tribunal Resumes Despite Ailing Ieng Sary
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Ailing co-accused Ieng Sary remained conspicuously absent from court proceedings yesterday, prompting the Khmer Rouge tribunal to hear testimony not strictly relevant to his case in a compromise that allowed the court to convene without denying Sary his right to be present.

In an exchange in court between Sary's defence team and trial chamber president Nil Nonn, defence counsel Ang Udom said the defendant had waived his right to be present, physically and remotely, during the testimony of specific witnesses, but maintained the right to retract the waiver if a witness's evidence took a turn pertaining directly to Sary himself.

Sary's international co-counsel, Michael Karnavas, said later that according to a review of witness statements, a retraction of the waiver would be highly unlikely.

"For all intents and purposes, this is an unequivocal waiver for these particular witnesses," Karnavas said, while calling attention to the waiver's boundaries.

"For other witnesses, including Philip Short, we have drawn a red line, and he is not waiving his right to be present."

Short, a British journalist who has written biographies of Khmer Rouge leader Pol Pot and China's Mao Tse Toung, is scheduled to give testimony on October 1.

"It appears there may be some scheduling issues that may either complicate Short's life or create some inconvenience for others but, as far as we are concerned, that is insufficient reasoning to violate Mr Ieng Sary's unqualified right to assist in his own defence and be present at the proceedings," Karnavas said.

The court will meet tomorrow to hear both oral submissions from the legal teams on his appearance, and for an update from Sary's doctors regarding his condition.

Nuon Chea's defence counsel, Andrew Ianuzzi — one of two of his defenders, along with Michiel Pestman, to be accused of professional misconduct by the trial chamber — raised the issue yesterday of the Supreme Court chamber's overturning of the trial chamber's accusation.

When Ianuzzi asked if the chamber would forward the decision to the relevant Bars, Nonn replied that if “this message is of necessity and beneficial to them” they were welcome to forward it themselves.