



## **Amnesty deal focus on second day of Khmer Rouge trial June 28, 2011**

Phnom Penh - A 1996 amnesty granted to the Khmer Rouge's former foreign minister, Ieng Sary, dominated Tuesday morning's session of a genocide trial against the Maoist movement's four surviving leaders.

Ieng Sary's 1996 defection to the Cambodian government with thousands of troops helped to precipitate the collapse of the Khmer Rouge although the movement had grown increasingly isolated since the end of the Cold War.

His defence team said the court had no jurisdiction to rule on the amnesty granted by the Cambodian government while also arguing it was a valid one.

'National jurisdictions have the capacity to grant amnesties even when we are talking about crimes such as we find in this indictment,' defence lawyer Michael Karnavas told the five judges of the UN-backed Khmer Rouge tribunal on the second day of the trial, which is taking place more than 30 years since the Khmer Rouge was ousted from power.

The elderly defendants are accused of genocide, crimes against humanity, war crimes, murder and an array of other charges allegedly committed during their government's rule from 1975 to 1979. The four denied all the charges in the second case before the tribunal. The prosecution is to argue its side of the amnesty later Tuesday.

Also in court Tuesday were Ieng Thirith, the Khmer Rouge's social affairs minister, and Khieu Samphan, its former head of state.

The fourth defendant - Khmer Rouge ideologue Nuon Chea, who as the deputy of the late Khmer Rouge leader Pol Pot was known as 'Brother Number Two' - walked out of court Monday and said he would not return until the court addressed his complaints including the court's refusal to discuss a list of 300 defence witnesses and what his lawyer said was 'strong evidence' of government influence on the proceedings.

Ieng Sary also left the court during Tuesday's session, citing ill health.

This week's preliminary session is hearing arguments concerning lists of witnesses and experts as well as procedural elements ahead of the start of the trial proper, which is likely to happen this year.

Last year, the court in its first case sentenced the regime's security chief, Comrade Duch,

to 30 years in prison after finding him guilty of war crimes and crimes against humanity. Duch has appealed his conviction.

One of the issues the court will have to confront is the age of the defendants. The youngest is 79, and all are in varying degrees of health. There are fears one or more could die before the trial concludes.

The tribunal estimated that 1.7 million to 2.2 million people died in less than four years of rule by the Khmer Rouge, which emptied Cambodia's cities as it advocated a rural, agrarian society. The court estimated 800,000 of the deaths were violent with the rest attributed to overwork, starvation and illness.