



## **Cambodian tribunal visits place of Khmer Rouge uprising August 29, 2011**

The Cambodian Khmer Rouge tribunal has been visiting the western district of Samlaut to tell people there about the court's work.

Samlaut has significant historical resonance as it was here in 1967 that the Khmer Rouge uprising began.

The visit coincides with the court's admission that the long-awaited genocide trial of the movement's senior leaders would likely not begin until 2012.

*Presenter: Robert Carmichael Speaker: Lars Olsen, tribunal spokesman; Anne Heindel, legal adviser at the Documentation Center of Cambodia (DC-Cam); Pay Lim, Samlaut resident*

CARMICHAEL: (sfx) There are few places in Cambodia that have such strong links to the Khmer Rouge as Samlaut district which lies in the west near the Thai border.

It was among these hills that a 1967 uprising marked the start of the Khmer Rouge's efforts to take over Cambodia.

Samlaut was also one of the last Khmer Rouge strongholds to fall to the government as the ultra-Maoist movement finally crumbled in the late 1990s.

The voice you can hear is Samlaut resident Pay Lim giving his opinion on how many people the court should prosecute.

This type of outreach work is regular fare for the tribunal, which has visited many places around the country to tell people what it does. But its message is received quite differently in places like this, says tribunal spokesman Lars Olsen.

OLSEN: Usually we are asked why not more people are put on trial. Here they were crystal clear that the court should limit its prosecution to only senior leaders.

CARMICHAEL: Around two million people died during the Khmer Rouge's rule of Cambodia between 1975 and 1979.

The court is in theory investigating a further five lower-level Khmer Rouge cadres, but

the Cambodian government has long said it won't permit those to go to trial, and the tribunal seems to be going through the motions ahead of spiking them.

At least one of those five, former navy commander Meas Muth, is a resident of Samlaut, but he did not turn up to Friday's outreach.

The trial of the four senior leaders is known as Case Two, and was meant to start around the middle of this year. However various delays conspired to push back that date. Last week the court confirmed a further delay that means Case Two probably won't begin until 2012.

The reason for this latest setback is that the tribunal has decided that defendant Ieng Thirith, who was the Khmer Rouge's social affairs minister, needs a psychiatric assessment.

OLSEN: And this is what the Trial Chamber will in the very near future do - they will appoint international and national psychiatric expertise to conduct a further assessment on Ieng Thirith's fitness to stand trial.

CARMICHAEL: Ieng Thirith's mental health has been a matter of speculation for several years. Her most famous court outburst came in early 2009 when she cursed her accusers to the seventh circle of hell. It is not clear why it took the court more than two years to decide that it should examine her mental health. This delay, it seems, was avoidable. And because the court wants to try all four at the same time, it won't start the hearing until Ieng Thirith is found fit or unfit for trial. Anne Heindel, a legal adviser with genocide research organisation DC-Cam, explains what that means.

HEINDEL: It's not just a medical assessment - it's the legal evaluation of a medical assessment. Can you participate in your defence? Can you instruct your counsel? Do you understand what your plea means? Do you understand what's going on in the proceedings?

CARMICHAEL: In Ieng Thirith's case there is a family history of mental health problems - her sister, who was married to the late Khmer Rouge leader Pol Pot, suffered from schizophrenia.

Heindel says there is always a chance medical treatment can improve a defendant's physical health, but that's far less certain with mental health conditions.

HEINDEL: Based on her family history it seems unlikely that if she has reached a point of mental illness that she could be assisted to again be healthy enough to be tried by this court.

CARMICHAEL: Later today the tribunal will convene to discuss medical reports examining the physical condition of Ieng Thirith and co-defendant Nuon Chea, the movement's chief ideologue. These reports are to determine whether the two are

physically fit to stand trial.

But it is the delay associated with Ieng Thirith's psychiatric assessment that has made the news. The tribunal has as yet no donor funding pledged for next year, and although cash will probably arrive in due course the one thing money can't change is the age of the defendants.

The youngest is 79, and there is a slim chance that all four - should four finally take the stand - will survive a lengthy trial. That won't worry the residents of Samlaut, but this tribunal is for all of the people of Cambodia. Its legacy is yet to be written and more lengthy delays won't help.