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KR Tribunal Errs in Release of Secret File

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The Khmer Rouge tribunal on Monday released on its website, and then quickly removed yesterday, a confidential court document outlining crimes alleged to have been committed during the Pol Pot regime by suspects Meas Muth and Sou Met.

The public dissemination of the confidential 36-page document—in which the Office of the Co-Prosecutors describes why the two former Khmer Rouge officials should be arrested and tried as war criminals—follows the leaking of the information in April 2011.

While the identities of the two suspects at the Khmer Rouge tribunal have been widely known since last year, Monday's posting of the document online is effectively the first time the court has officially named the suspects in Case 003 publicly.

Yuko Maeda, a public affairs officer at the tribunal, yesterday expressed regret that the document, known as the Second Introductory Submission, had been published and said that its contents should remain classified, despite its wide circulation after being leaked in 2011 and published by the court on Monday.

Ms. Maeda said the appearance of the document online was down to a “technical mistake,” which was only flagged by a member of the tribunal's Public Affairs office yesterday morning.

“We are going to work on the consequences of what happened today,” she said.

“We're going to look into the issue. The document is already removed from public domain, and we are looking into any other action that needs to be taken on it.

“At this moment, we don't know if it was accidental or intentional—we don't know at this stage,” she added.

The Christian Science Monitor in 2011 quoted extensively from the same document, including the identities of the suspects: Pol Pot's former Air Force Commander Sou Met and Navy Commander Meas Muth, who are accused of perpetrating crimes against humanity during the 1975 to 1979 regime.

The two former military commanders are accused of participating in purges, forced labor, abuse, torture and killing, and are linked to a dozen crime sites that include the regime's Kompong Chhnang airfield, the Stung Tauch execution site and the Stung Hav quarry.

On December 14, the Defense Support Section confirmed that Ieng Sary lawyers, Michael Karnavas and Ang Udom, were retained to represent a Case 003 suspect, months after Meas Muth requested that Mr. Udom and a foreign lawyer, the name of whom he couldn't remember, represent him in court.

Mr. Karnavas declined to comment on the leaked document in an email yesterday.

Anne Heindel, a legal adviser for the Documentation Center of Cambodia, said that even though information in the document is already widely known, the release on the tribunal's website was "unfortunate."

"It's a serious breach of confidentiality, but as far as fair trial rights go, it has been posted before," Ms. Heindel said of the already wide circulation of the information. "It's unfortunate."

Panhavuth Long, a program officer for the Cambodian Justice Initiative, which is part of the George Soros-funded Open Society Justice Initiative, which monitors the court, said there is no great concern for Sou Met's and Meas Muth's security because their identities as Khmer Rouge crime suspects have been known for some time.

"I would not think that it's any bad consequences against the security of the suspects in Case 003, as their names have been known," Mr. Long said.

Although the document was inadvertently made public, there are still more fundamental doubts as to whether or not the case, known as 003, will ever be heard at the Khmer Rouge war crimes tribunal.

Prime Minister Hun Sen has been very vocal about his opposition to Case 003 ever going to trial, and the tribunal's former Co-Investigating Judge Laurent Kasper-Ansermet claimed that his national counterpart, You Bunleng, had deliberately stymied his efforts to investigate the case.