



## **Lawyer: Ex-Khmer Rouge foreign minister stands no chance of bail February 11, 2010**

Phnom Penh - A lawyer for the Khmer Rouge's former foreign minister Ieng Sary said Thursday he has "no illusions" that the UN-backed war crimes tribunal might release his client from pre-trial detention ahead of an expected trial next year. Speaking after Thursday's bail hearing, Michael Karnavas criticized as "ridiculous" arguments by the prosecution and lawyers for victims that allowing Ieng Sary to be held under house arrest could lead to social unrest. He said the government would easily be able to provide security to ensure public safety.

"In my opinion there's no intention to release any of them under any circumstances - pre-trial detention is being used as a form of punishment because these cases may never get to trial or be fully completed," Karnavas said.

"I don't think there's a valid argument that this society is so fragile that you will have massive demonstrations in the streets [if he is granted bail and house arrest]," he added.

"So this may be one way of showing the public that they are incarcerated and spent their final years in jail."

Thursday's bail hearing was the third filed by lawyers for Ieng Sary, who was arrested in November 2007. Since then he has been in pre-trial detention, facing charges of genocide, crimes against humanity and war crimes.

A tribunal spokesman said the court would likely rule on Ieng Sary's bail application in the coming weeks.

Ieng Sary is one of four senior surviving leaders of the Khmer Rouge in detention awaiting trial for their alleged roles in the deaths of an estimated 1.7 million people. Lawyers for former head of state Khieu Samphan are to apply for bail on Friday, while lawyers for former social affairs minister Ieng Thirith will do so on Monday. Rulings for those bail requests are also expected in a few weeks.

The tribunal last month concluded its two-and-a-half year long investigation into Ieng Sary, Khieu Samphan, Ieng Thirith, and former Brother Number Two, Nuon Chea.

A final decision on whether to prosecute or dismiss charges against them is expected in September. Should the trial go ahead, as is expected, it will likely begin early next year.

The trial would be the second case that the tribunal, known as the Extraordinary Chambers in the Courts of Cambodia (ECCC), will hear. The first case, which saw the regime's chief executioner Comrade Duch tried for crimes against humanity and war crimes, was heard last year.

A decision is expected in Duch's case in the coming weeks. Around a quarter of Cambodia's population is thought to have died from execution, disease, starvation and overwork during the Khmer Rouge's rule of Cambodia from 1975-79. Its leader, Pol Pot, died in 1998 on the Thai-Cambodian border.