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Ieng Sary appeals detention

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Ieng Sary, former Khmer Rouge foreign minister, attends a hearing at the Extraordinary Chambers in the Courts of Cambodia on Thursday.

LAWYERS for former Khmer Rouge foreign minister Ieng Sary requested that their client be released to house arrest during a hearing at Cambodia's war crimes tribunal on Thursday, as questions about the ageing suspect's health were brought to the fore.

In appealing their client's pretrial detention, co-lawyers Ang Udom and Michael Karnavas argued that Ieng Sary, now 84 years old, is unlikely to flee the country or disturb public order if released from the court's detention facilities, and asked judges to grant him "a less restrictive form of detention".

"The pretrial chamber must be careful not to select as a matter of course the least favorable outcome for the charged person," Ang Udom said, emphasizing that the court must not implement unnecessarily punitive measures for a man who has yet to be tried.

Karnavas mocked the notion that his elderly client, if released, could evade Cambodian security forces.

Citing Prime Minister Hun Sen's controversial trip to the Thai-Cambodian border this past weekend, Karnavas questioned that a country which he said appears to be spoiling for a fight with a larger neighbour can at the same time be "incapable of keeping someone under house arrest who can barely walk to the toilet".

Deputy co-prosecutors Chan Dararasmey and Anees Ahmed said, however, that the circumstances of Ieng Sary's detention had not changed since the pretrial judges rejected an appeal against it last year. In November, the co-investigating judges extended Ieng Sary's detention for a third year after his arrest in 2007.

"The pretrial chamber has noted that house arrest, or even hospital detention, for this appellant is not warranted," Chan Dararasmey said.

The court's internal rules, Ahmed said, "do not provide for any house arrest provisions". Concerns about Ieng Sary's health, he added, are more than accounted for at the detention facility.

Ieng Sary "had dozens of sessions of physiotherapy at the expense of this tribunal", Ahmed said, noting that he also has access to doctors, 24-hour nursing and "a special handrail installed in his cell".

The court adjourned several times on Thursday for Ieng Sary, who appeared with the aid of a cane and a back brace, to take breaks. He declined to speak at length during the hearing, delegating that task to his attorneys.

"He cannot really sit long enough, more than a half hour," Ang Udom said of his client, who left the proceedings early because of fatigue.

Ahmed said that while Ieng Sary has in the past suffered from heart and back problems, there is nothing to indicate that these problems have significantly worsened.

"These health conditions ... continue in the form that they were, and they have been contained," Ahmed said.

Former Democratic Kampuchea head of state Khieu Samphan will appear before the court to appeal his provisional detention today, and former minister of social action Ieng Thirith will do the same on Monday.

<http://www.phnompenhpost.com/index.php/2010021231995/National-news/ieng-sary-appeals-detention.html>