

Khmer Rouge leaders ask to be freed ahead of trial January 31, 2011

Three top Khmer Rouge leaders appealed to Cambodia's UN-backed war crimes court on Monday for their release from custody while they await trial for war crimes. Pol Pot's "Brother Number Two", Nuon Chea, ex-social affairs minister Ieng Thirith and former head of state Khieu Samphan, appeared in court in a rare joint appearance. They, along with a fourth, are accused of war crimes, crimes against humanity and genocide

They are charged with crimes related to the execution, or deaths from starvation and overwork of up to two million people between 1975 and 1979.

Lawyers for the three who appeared before the Extraordinary Chambers in the Courts of Cambodia (ECCC) Monday called for their "immediate release", claiming the continued detention of their clients is illegal. All four have been in jail since they were arrested in 2007.

"The main rule is that you can keep a person in provisional detention for one year at a time, and that it can be prolonged twice, but there are additional rules when an indictment has been issued," Lars Olsen, legal spokesperson for the ECCC told RFI. "So these are basically the rules and the interpretation which will now be interpreted by the trial chamber."

Prosecutors say the defendants should remain in detention because they may try to escape the country if freed, or could put pressure on witnesses. There are fears that the defendants, aged 78- to 85-years-old, will not live to see a verdict. Ieng Sary, the regime's former foreign minister, did not appear in court to be released, but his lawyers recently requested half-day trial sessions, saying their client was too ill to endure full days.

Olsen says the defendants are being cared for in detention. "They are being detained in a specially-built detention facility, following ECCC procedures," he said. "It's a modest complex, but they are provided with medical care 24/7. They are provided with necessary assistance and nutritious food and so on." A ruling on the release of the three is expected in mid-February.

The trial is due to start in the first half of this year and is expected to last a while, as all four defendants dispute the charges against them.

In July, the former Tuol Sleng prison chief Kaing Guek Eav, known as Duch, was convicted and sentenced to a 30-year prison term for war crimes and crimes against humanity for his role in the deaths of around 15,000 people.

Cambodia's Prime Minister Hun Sen has warned that pursuing more Khmer Rouge suspect could spark civil war in Cambodia. Olsen says he does not believe the current

trials will do so.

“I think people are anxious to see these proceedings to move forward, and to get their actual trials to start,” he said “There have been discussions about future trials and potential additional suspects, where some have voiced concerns in regards to stability and security.”