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Khmer Rouge leaders seek bail January 31, 2011

Three top Khmer Rouge leaders made a rare joint appearance before Cambodia's UN-backed war crimes court today to seek release from custody while they await trial for genocide.

"Brother Number Two" Nuon Chea and ex-social affairs minister Ieng Thirith looked frail as they sat in the courtroom with former head of state Khieu Samphan, underscoring fears that not all the defendants, aged 78 to 85, will live to see a verdict.

Along with a fourth accused they face charges of war crimes, crimes against humanity, genocide and related crimes under Cambodian laws in connection with the deaths of up to two million people between 1975 and 1979 from starvation, overwork and execution.

Lawyers for the three called for their "immediate release", claiming their continued detention was illegal because the defendants had not been brought to trial four months after their indictments were issued.

While the accused are not seeking to have the charges dropped, acting co-lawyer Jasper Pauw said "there are no conceivable reasons to keep Nuon Chea in custody", in comments echoed by the other two defence teams.

A pale-looking Ieng Thirith, sometimes described as the "First Lady" of the Khmer Rouge, left the courtroom almost as soon as proceedings began, referring to a written statement instead and waiving her right to attend the hearing.

Nuon Chea, who wore sunglasses to protect his eyes from the light, suffered a dizzy spell and was sent back to the court's detention facility on medical advice.

Khieu Samphan was the only defendant to address the judges. "Please abide by the law," he said.

Absent from the hearing was fellow accused Ieng Sary, the regime's former foreign minister and Ieng Thirith's husband. His lawyers recently requested half-day trial sessions, claiming their client was too ill to spend full days in court.

All four defendants have been detained since they were arrested in 2007.

A ruling on their request is expected in the coming weeks, though observers believe releasing them could cause an uproar in Cambodia.

The upcoming trial, the tribunal's second, is due to start in the first half of this year and is expected to be a lengthy and complex one with all four former leaders disputing the charges against them.

It follows the landmark July conviction of former Tuol Sleng prison chief Kaing Guek Eav, better known as Duch, for war crimes and crimes against humanity for his role in the deaths of around 15,000 men, women and children.