

## **Khmer Rouge defendant challenges genocide tribunal**

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One of the four former Khmer Rouge leaders charged with genocide challenged the right of Cambodia's U.N.-backed tribunal to try him Tuesday, saying he already had been convicted of the crime and pardoned.

Former Foreign Minister Ieng Sary joined three other infirm defendants in their late 70s and 80s in going on trial Monday in a long-sought case aimed at the architects of Cambodia's Killing Fields more than three decades ago.

Lawyer Ang Udom argued that Ieng Sary, 85, should not be tried again for genocide because a Vietnamese-backed tribunal convicted him of that charge in 1979 after the Khmer Rouge led by Pol Pot was ousted from power and downgraded to a jungle guerrilla movement.

Cambodia's king later pardoned Ieng Sary when he led a mass defection of the guerrillas to the government, sparing many lives and possibly avoiding a continuation of the conflict to this day, Ang Udom said.

The arguments, on the second day of trial sessions covering legal procedures, are unlikely to succeed, because the tribunal already rejected a similar appeal during pretrial hearings earlier this year. The court will begin hearing testimony from witnesses in August or September.

"I am waiting to see what level of justice can be brought for the victims," said Tieng Rith, 53, who lost his parents and three brothers under the Khmer Rouge and has followed the proceedings at the tribunal's trial chamber on the outskirts of the capital.

Also on trial are Nuon Chea, 84, Pol Pot's No. 2 and the group's chief ideologist; Khieu Samphan, 79, its former head of state; and Ieng Sary's wife Ieng Thirith, 79, who was minister for social affairs. Pol Pot escaped justice with his death in 1998.

The charges against them include crimes against humanity, war crimes, genocide, homicide and torture and religious persecution.

During their 1975-79 reign, the Khmer Rouge tried to implement a communist utopia, but ended up killing as many as 1.7 million their countrymen through executions, medical neglect, overwork and starvation.

Prosecutors challenged the arguments of Ieng Sary's lawyers.

"I urge your honors to reject this in order to protect the interests of and provide justice to the victims and to those who died during the Khmer Rouge regime," Chan Dara Reasmei, the Cambodian deputy co-prosecutor, told the court, saying the amnesty did not cover the charges against him.

International deputy co-prosecutor William Smith of Australia told the court it had "an independent and fundamental obligation under international law to not allow an amnesty to protect Ieng Sary from facing this trial for genocide and other crimes."

Challenges against the authority of the court are likely to continue. Fireworks are anticipated from Khieu Samphan's French lawyer, Jacques Verges, well known for defending Nazi war criminals and terrorists and putting politics at the forefront of his pleas.

It is the second trial for the tribunal, which started operations in 2006 and is officially known as the Extraordinary Chambers in the Courts of Cambodia. Last year, Kaing Guek Eav - also known as Duch - was sentenced to 35 years in prison for war crimes and crimes against humanity. His sentence was reduced to a 19-year term due to time served and other technicalities, bringing angry criticism from victims who called the penalty too lenient. Cambodia has no death penalty.

Duch, now 68, headed the Khmer Rouge's notorious Tuol Sleng prison, known as S-21, where only a handful of prisoners survived. Up to 16,000 people were tortured under Duch's command and later taken away to be killed.