



KRouge court dismisses bias claims against judge December 9, 2009

PHNOM PENH — Cambodia's UN-backed war crimes tribunal on Wednesday dismissed a demand to disqualify the court's French investigating judge for bias, submitted last month by the lawyer for a Khmer Rouge leader.

In its ruling the court, set up to try leaders of the late 1970s regime, said there was insufficient evidence that Marcel Lemonde told staff to favour evidence showing suspects' guilt over evidence of innocence.

"Judge Lemonde in his response states that he does not remember saying the words attributed to him, and that if he did say them it would only have been 'in jest, as would have been obvious to everyone present,'" the ruling said.

The decision marks the second rejection in two weeks of bias allegations against officials at the court submitted by the defence for ex-Khmer Rouge foreign minister Ieng Sary.

Last week the court also rejected a request by them to examine Dutch judge Katinka Lahuis and Australian judge Rowan Downing for bias, based on comments made in a speech by Cambodian premier Hun Sen.

Wednesday's dismissal makes it likely that another complaint against Lemonde, filed by the lawyer for Khmer Rouge former head of state Khieu Samphan, will also fail, said a court observer on condition of anonymity.

The complaint against Lemonde was based on a statement made by the former head of his intelligence and analysis team, Wayne Bastin.

A copy of the statement obtained by AFP said Lemonde shocked subordinates in a meeting at his Phnom Penh home in August when he told them, "I would prefer that we find more inculpatory evidence than exculpatory evidence".

Tribunal monitor Heather Ryan from the Open Society Justice Initiative said the rulings showed the judges could not be easily accused of partiality.

"They've set a very high standard for what kind of allegations are necessary to raise any kind of presumption for bias. There's a very high standard for attacking the independence of a judge in this court," Ryan told AFP.

Final arguments were heard last month in the court's first trial of prison chief Kaing Guek Eav, known by the alias Duch.

But the tribunal, created in 2006 after several years of haggling between Cambodia and the UN, has faced accusations of political interference and allegations that local staff were forced to pay kickbacks for their jobs.

Led by Pol Pot, who died in 1998, the Khmer Rouge emptied Cambodia's cities in a bid to forge a communist utopia between 1975-79, resulting in the deaths of up to two million people from starvation, overwork and torture.