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Lawyers move for judge's removal **Sebastian Strangio and Neth Pheaktra** **October 13, 2009**

Lawyers for former Khmer Rouge head of state Khieu Samphan have not yet filed a motion to remove the international co-investigating judge at the Khmer Rouge tribunal, but said they will do so today, following a similar motion filed by defendant Ieng Sary's lawyers on Friday.

So Sovann, Khieu Samphan's defence lawyer, said the motion against Judge Marcel Lemonde was to be filed on Monday but was delayed by the necessity of translating the document from French into Khmer.

"The complaint ... describes the lack of neutrality and impartiality of Judge Lemonde," he said. "I am filing this motion to show our cooperation [with Ieng Sary's lawyers]."

The motion filed by Ieng Sary's team on Friday was based on an account provided by Wayne Bastin, a former chief of the Intelligence and Analysis Unit of the Office of the Co-Investigating Judges.

In an affidavit signed on Thursday, Bastin said that during an August meeting, Lemonde stated his preference that investigators "find more inculpatory evidence than exculpatory evidence" in the case against four former regime leaders.

In the motion, Ieng Sary's lawyers say Lemonde's comments constituted "veiled instruction for the investigators to act in a complicit manner" in their client's case.

Andrew Ianuzzi, a legal consultant for "Brother No 2" Nuon Chea's defence team, said Lemonde's comments were "irresponsible", describing them as "another blow" to the tribunal's reputation.

"If true, it could mean that the integrity of over two years of investigative work is now suspect," he said by email.

When asked whether Nuon Chea's team would also file a motion against Lemonde, Ianuzzi said it was "considering all of its options".

Any motions filed will be forwarded to the court's Pre-Trial Chamber for investigation.

Court spokesman Lars Olsen said Sunday that Judge Lemonde “does not wish to comment on the allegations” but would “provide the Pre-Trial Chamber with all necessary information”.