

Premier's remarks violate tribunal rules: defense
Kong Sothnarith
December 8, 2009

The defense team for jailed Khmer Rouge leader Nuon Chea has issued a letter to tribunal investigators claiming recent public remarks by Prime Minister Hun Sen could jeopardize their client's trial.

Hun Sen's public warnings, that proceedings at the UN-backed court could destabilize the country, could be constituted as a "threat" against potential witnesses, the defense team said in a letter sent to investigating judges on Monday.

"Hun Sen's most recent remarks will be seen as a direct physical threat against potential witnesses who may wish to give evidence" to investigating judges, the lawyers, Michiel Pestmen and Victor Coppe, wrote.

Hun Sen's remarks violate Article 35 of the tribunal's internal rules, which prohibits "any person" from threatening, intimidating, causing injury or offering bribes to witnesses or potential witnesses, the team wrote.

The team cited a Nov. 3 speech by Hun Sen, in which he claimed, in part, "Be careful, this is the issue of death."

"Moreover," the lawyers wrote, "in the context of Cambodian politics, the prime minister's message is as menacing as it is clear: [tribunal] officials—including defense lawyers and investigative judges—pursue high-level witness testimony at their peril."

The remarks could prevent witnesses from following summonses, Andrew Innuzy, a legal adviser to the defense team, told VOA Khmer. "So in that respect, the comments have influence in the investigation."

"His comments will affect a portion of the investigation, specifically interviewing of high-level CPP witnesses, who seem to be somehow protected by the government" he said.

Six high-ranking ruling Cambodian People's Party officials have so far refused to follow witnesses summonses from investigating judge Marcel Lemonde.

Tribunal spokesman Reach Sambath on Tuesday declined to comment on the letter.

Government spokesman Khieu Kanharith could not be reached for comment.

Council of Ministers spokesman Phay Siphon said the letter was a decision up to the defense team and its results would have to make their way through the tribunal process.