



KRouge lawyer demands judge's disqualification in Cambodia

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The lawyer for a former Khmer Rouge leader on Friday filed a demand that the French investigating judge be disqualified from Cambodia's UN-backed war crimes court for alleged bias.

Michael Karnavas, attorney for ex-Khmer Rouge foreign minister Ieng Sary, said the motion was based on allegations that Marcel Lemonde told subordinates to favour evidence showing suspects' guilt over evidence of their innocence.

The tribunal was set up to bring to justice the leaders of the genocidal late 1970s Khmer Rouge regime.

Karnavas said Lemonde was "giving instructions to his investigators to game the process. In other words, to look primarily for evidence that supports the prosecution".

The lawyer said he submitted his complaint based on a statement made by the former head of Lemonde's intelligence and analysis team, Wayne Bastin, at an Australian police station on Thursday.

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".

Under the Khmer Rouge court's regulations, investigating judges are required to be impartial while researching allegations made by prosecutors. Defence teams are not permitted to make their own investigations.

"How is it that (Lemonde) can remain in the position in light of what we know now?" Karnavas said, adding that such behaviour was "outrageous".

Speaking on Lemonde's behalf, tribunal spokesman Lars Olsen said he had no comment on the issue.

Lemonde is currently investigating the court's second case, against Ieng Sary and his wife, former minister of social affairs Ieng Thirith, as well as Khmer Rouge ideologue Nuon Chea and ex-head of state Khieu Samphan.

Heather Ryan, who monitors the court for the Open Society Justice Initiative, told AFP that the defence would probably need to demonstrate systemic bias for Lemonde to lose his job.

"An off the cuff remark made in private -- like what was quoted -- may not be significant," Ryan said.

Under the court's internal rules, Lemonde's previous work on investigations remains valid even if he is disqualified from the tribunal.

Lemonde also met controversy earlier this week when it was revealed he summoned six top government and legislative officials to testify against Khmer Rouge leaders, a move opposed by Prime Minister Hun Sen's administration.

Final arguments in the court's first trial of prison chief Kaing Guek Eav, known by the alias Duch, are scheduled for late next month.

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.