



Former KRouge minister claims royal amnesty

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PHNOM PENH (AFP) — Lawyers for the former Khmer Rouge foreign minister demanded his release from the UN-backed Cambodian war crimes court Wednesday, arguing that a royal pardon granted him amnesty for any crimes.

Ieng Sary, 82, is one of five top regime cadres detained in connection with the Khmer Rouge's murderous rule over Cambodia from 1975-79.

He is held by the joint Cambodia-UN tribunal that was established in 2006, after nearly a decade of haggling over how to deliver justice in one of the 20th century's bloodiest atrocities.

With the first trial expected later this year, Ieng Sary's lawyers argued that he should be shielded from prosecution by a royal pardon issued in exchange for his surrender to the government in 1996.

"This pardon and amnesty protect Ieng Sary from any further prosecution," defence lawyer Ang Udom told the panel of five judges.

"The royal decree fully covered all the crimes... So, the pre-trial chamber must release Ieng Sary immediately without any condition," he said.

Ieng Sary was convicted of genocide in a 1979 trial in absentia conducted by the government installed after Vietnam occupied the country and ended the Khmer Rouge's bloody reign.

But he received a pardon in 1996 upon surrendering to the government.

"What was able to be done with the granting of amnesty is something that the international community, in particular the UN, had tried to achieved during the peace negotiation -- to get the Khmer Rouge to put down their arms to reintegrate them into the Cambodian society," said defence lawyer Michael Karnavas.

Ieng Sary's past conviction and subsequent amnesty presents one of the prickliest issues facing the tribunal, which operates on a mixture of Cambodian and international law.

The prosecution argued that Ieng Sary's pardon was invalid because it met neither national nor international laws, and only saved him from his 1979 death sentence.

"A pardon granted (to Ieng Sary) does not provide any amnesty from future prosecution. That only pardoned him from the death sentence and the confiscation of the properties," said prosecutor William Smith.

Up to two million people died of starvation and overwork, or were executed, as the regime emptied Cambodia's cities in a murderous drive to create an agrarian utopia.

As the top Khmer Rouge diplomat, he was frequently the only point of contact between Cambodia's secretive communist rulers and the outside world.

He was also one of the biggest public supporters of the regime's mass purges, researchers say.

Four other former leaders, including Ieng Sary's wife Thirith, are also in detention awaiting trial.

Fears over the health of the ageing cadres hang over the court. Khmer Rouge leader Pol Pot died in 1998 before facing justice, and critics worry others could also die before the trials conclude.

Ieng Sary's hearing Monday adjourned earlier than expected after a doctor said he was too ill to continue.

Prosecutors say his claims of ill health are a ploy to delay the trial, although he has been hospitalised several times for a heart condition.

The other former leaders in jail awaiting trial are "Brother Number Two" Nuon Chea, former head of state Khieu Samphan, and Kaing Guek Eav or "Duch," who ran a notorious torture centre in Phnom Penh.

Duch's trial is expected to begin in September.