



Lawyers claim jail could kill former KRouge minister

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The former Khmer Rouge foreign minister is so ill that staying in jail could kill him, his lawyers said Thursday as they argued for his release from detention at Cambodia's UN-backed genocide court.

Ieng Sary, 82, is one of five top regime cadres charged in connection with the Khmer Rouge's bloody rule over Cambodia from 1975-79, when up to two million people died from starvation, overwork or execution.

The joint Cambodia-UN tribunal was established two years ago, after nearly a decade of haggling, to bring to justice those responsible for one of the 20th century's worst atrocities.

Like most of the defendants, Ieng Sary appears frail. He has been hospitalised several times for a heart condition since he and his wife Thirith were arrested in November. On the fourth and final day of his pre-trial hearing on Thursday, he complained about medical care in the court's detention facility, saying staff do not respond immediately when he gets an irregular heartbeat.

"The main issue is that I don't have people close enough to me to give immediate assistance," Ieng Sary said.

"I know that the staff at the detention facility have helped me a lot, but I would like people closer to me to help me better," he added.

His lawyers told the panel of five judges that his health was so poor he should be released from jail and placed under house arrest until trial.

"We submit that the detention conditions present an actual risk to Mr Ieng Sary's life," said defence lawyer Ang Udom.

Co-defence lawyer Michael Karnavas argued that Ieng Sary was too ill to pose a flight risk.

"How can he possibly flee... He's going to have to get medical attention," Karnavas said. The prosecution countered that Ieng Sary was under constant supervision by doctors and nurses, with no sign that he is near death.

"I would go so far as to say the medical care Mr Ieng Sary is getting at the detention facility is probably higher than anywhere else in Cambodia," said prosecutor William

Smith.

No date has been set for a ruling on Ieng Sary's request, but Karnavas told reporters the defence team was "optimistic" Ieng Sary would be released to house arrest.

"Obviously we would not have made the request unless we thought it was a realistic one and one that could be achieved," Karnavas said.

But Bou Meng, a survivor of the Khmer Rouge S-21 torture centre, said after attending the hearing this week he doubted defence arguments would carry much weight.

"It's just legal procedure so Ieng Sary feels satisfied," Bou Meng said.

The four other defendants at the tribunal are mostly in their 70s and 80s, and worries for their health have also cast a cloud over the proceedings as critics worry they could die before trials are completed.

Khmer Rouge leader Pol Pot died in 1998. The tribunal's first trial is not scheduled to begin until later this year.

Ieng Sary's lawyers had earlier argued for his outright release, saying that a royal pardon following his surrender to the government in 1996 should shield him from prosecution.

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

Resolving how to reconcile his past amnesty with the international court's authority poses one of the key challenges facing the tribunal, which operates on a mixture of Cambodian and international law.

Besides Ieng Sary and his wife, 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.