



## **Ex-Khmer Rouge leader loses appeal for release October 17, 2008**

Cambodia's genocide tribunal on Friday rejected an appeal by the Khmer Rouge's former foreign minister for release from pretrial detention on charges of crimes against humanity and war atrocities.

Judge Prak Kim San rejected Ieng Sary's appeal out of concern he could flee if released.

Peter Foster, a spokesman for the U.N.-assisted tribunal, said the judge's ruling was also based on concerns that Ieng Sary could intimidate potential witnesses.

The tribunal is seeking to establish accountability for an estimated 1.7 million deaths and other atrocities under the 1975-79 Khmer Rouge regime.

Ieng Sary, 82, is one of five former senior members of the ultra-communist regime detained by the tribunal.

His wife, Ieng Thirith, the former social affairs minister, is also detained on charges of crimes against humanity.

During a hearing in July, defense attorneys argued that Ieng Sary should be released because of ill health and the possibility that prosecution would constitute double jeopardy -- being judged twice for the same crime.

Ieng Sary was condemned to death by a tribunal under a communist government installed by Vietnamese troops after they toppled the Khmer Rouge regime in 1979. That tribunal was a show trial with no real effort to allow a defense.

Former Cambodian King Norodom Sihanouk pardoned Ieng Sary in 1996 as a reward for his leading thousands of his fellow guerrillas to join the government, a move that foreshadowed the Khmer Rouge's final collapse in 1999 and brought an end to the country's civil war.

The pardon issue once threatened to derail negotiations between the Cambodia and the United Nations on establishing the tribunal.

After years of difficult talks, the two sides agreed on a tribunal pact in 2003 which contains a clause preventing the government from seeking "amnesty or pardon for any persons who may be investigated for or convicted of crimes" during the time of Khmer Rouge rule.

The tribunal has not set a clear timeline for opening its first trial, although it has said it would start early next year.

Repeated delays in convening trials has prompted fears that the accused, who are aging and in ill health, may die before they can be brought to justice.