



GENOCIDE WATCH

THE INTERNATIONAL ALLIANCE TO END GENOCIDE

**U.N. Court Appeals Release of Khmer Rouge Defendant
By Seth Mydans, The New York Times
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PHNOM PENH, Cambodia — Prosecutors asked judges in a United Nations-backed trial Friday to delay the release of the highest-ranking female member of the Khmer Rouge after the court ruled that she was unfit to stand trial because she suffers from dementia.

“We have applied for a stay of the immediate release and we have also filed a motion of appeal in respect to certain parts of the decision itself,” said one of the prosecutors, Andrew Cayley.

As minister for social affairs, the defendant, Ieng Thirith, 79, was on trial along with three other leaders of the Khmer Rouge government, which was responsible for the deaths of 1.7 million people from 1975 to 1979 through execution, torture, forced labor, starvation and disease.

In a statement Thursday, the court said that while it acknowledged the gravity of the crimes for which Ms. Ieng Thirith was charged, she “lacks capacity to understand proceedings against her or to meaningfully participate in her own defense.”

On Friday, the president of the trial chamber, Nil Nonn, rescinded an order that Ms. Ieng Thirith attend the Monday hearing, the court spokesman said.

Ms. Ieng Thirith was charged with crimes against humanity, genocide, homicide and other crimes the indictment described as her role in “planning, direction, coordination and ordering of widespread purges.”

The legal communications officer for the court, Lars Olsen, said Ms. Ieng Thirith would be released “as soon as practically possible” and would be “free to go wherever she wants,” but she remained in detention Friday while prosecutors filed their appeal.

One of her lawyers, Diana Ellis, said in an e-mail that plans for Ms. Ieng Thirith’s future “have yet to be finalized.”

The only conditions set by the court were that she “refrain from interfering in the administration of justice,” including interference with potential witnesses.

Only five senior members of the Khmer Rouge have been arrested, and Ms. Ieng Thirith would be the first to be set free.

One defendant, Kaing Guek Eav, known as Duch, 69, was convicted and sentenced to 35 years in prison in July 2010 for his role as commandant of the Tuol Sleng prison, where more than 14,000 people were sent to their deaths. The court reduced that term to 19 years because of time already served.

In ordering the release of Ms. Ieng Thirith, the court said prosecutors could create a mechanism to periodically monitor her health once she was free, with the possibility that she could be rearrested if her condition improved. The court said that her dementia was consistent with Alzheimer’s disease.

In a June 24 medical report to the court, a geriatric expert from New Zealand, A. John Campbell, said that Ms. Ieng Thirith was disoriented and had difficulty with memory and that the medical workers who attended to her said she could be “bad tempered.”

Mr. Campbell said that Ms. Ieng Thirith sometimes lost her way inside the small detention center and that she sometimes talked to herself, “usually about the past and her youth.”



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Until her arrest in November 2007, she had been living in a villa in Phnom Penh with her husband, Ieng Sary, 86, the former Khmer Rouge foreign minister, who is a co-defendant.

Along with her husband, the remaining defendants are Nuon Chea, 85, the party's chief ideologue, and Khieu Samphan, 80, the head of state. The Khmer Rouge leader Pol Pot, who died in 1998, was never tried.

Mr. Nuon Chea also sought to be released for health reasons, asserting that he was not able to concentrate for long periods. But he was found fit to stand trial last week, according to the court spokesman, Mr. Olsen.

If it proceeds, the release of Ms. Ieng Thirith would be the latest setback for the tribunal, which has been tarnished by accusations of corruption, political interference by the Cambodian government and lax oversight by the United Nations.

The tribunal has suffered delays since it began its work in 2005, along with soaring costs that are expected to reach \$150 million by the end of the year.

Five members of the legal office resigned in the spring in protest over alleged inaction by the investigating judges. Last month, one of the investigating judges, Siegfried Blunk from Germany, resigned, citing political interference by the Cambodian government.

The Open Society Justice Initiative, which is based in New York and has been monitoring the tribunal, called on the United Nations to conduct a formal investigation into the accusations of judicial misconduct and political interference in the trials.

As a young woman, Ms. Ieng Thirith was a brilliant scholar, along with her elder sister, Khieu Ponnary.

The sisters moved to Paris, where Ms. Khieu Ponnary studied Khmer linguistics, and Ms. Ieng Thirith, then known as Khieu Thirith, studied English literature with a focus on Shakespeare.

Ms. Khieu Thirith married and took the family name of Mr. Ieng Sary in Paris in 1951, where he was one of a group of radical Cambodian students together with Pol Pot. After returning to Cambodia, Ms. Khieu Ponnary married Pol Pot, who was several years younger than she was.

Before the Khmer Rouge took power in 1975, Ms. Khieu Ponnary became mentally ill, and Pol Pot later remarried. She died in 2003.

As her sister's mind faded, Ms. Ieng Thirith became the de facto "first lady" of the revolution.

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