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KR tribunal summons top officials Sam Rith and Sebastian Strangio October, 8, 2009

Intl judge seeks testimony from 6 government leaders

SIX senior government officials, including the foreign and finance ministers, have been summoned to appear as witnesses by the Kingdom's war crimes court in the upcoming case against former Khmer Rouge leaders, according to letters released Wednesday.

The letters, each dated September 25 and bearing the signature of International Co-Investigating Judge Marcel Lemonde, request that the officials – Senate President Chea Sim, National Assembly President Heng Samrin, Foreign Minister Hor Namhong, Finance Minister Keat Chhon and two CPP senators – appear at the court to provide testimony “in the framework of the investigation under way against Nuon Chea, Ieng Sary, Khieu Samphan and other leaders”.

The four regime figures face charges of crimes against humanity and war crimes at the hybrid court.

In his letter to Keat Chhon, Lemonde requests his appearance at the tribunal based on “previous public declarations”, including one made on December 13, 2006.

The letter does not give details about the particular statement, but at the time Voice of America radio reported Keat Chhon had said he took “full responsibility for his part” in the Khmer Rouge regime and was “willing to testify” should the tribunal summon him.

The minister had been responding at the time to allegations by opposition leader Sam Rainsy that he had played a “key role” in the regime and served as an adviser to Pol Pot.

The letters addressed to Chea Sim and Heng Samrin both summon them on the basis of “a request” from a group of unnamed lawyers, whereas Senators Sim Ka and Ouk Bunchhoeun are being called to court on the basis of unspecified comments they made during interviews on August 7 and August 14, 1990.

Tribunal observers were quick to point out that a summons to appear at the tribunal did not carry any suggestion the officials would face charges of their own.

“The fact that people are summonsed to provide testimony definitely does not indicate any culpability on their part,” said Heather Ryan, a trial monitor at the Open Society Justice Initiative.

“It only indicates the investigating judges believe they may have information relevant to the case.”

Anne Heindel, a legal adviser for the Documentation Centre of Cambodia, agreed but added that the six would not have been summonsed if they were not able to provide insights into the case against the four former leaders.

“Generally, at international courts, people aren’t summonsed just because they happened to be in the country at the time,” she said.

“There has to be some belief that they’ll be able to shed light on particular charges.”

She said that even though calling sitting government officials to give testimony had precedent in international law, it was generally used as a last resort after behind-the-scenes discussions with the officials in question.

“It’s obvious this is not going to be welcomed by the government,” she said.

Government officials were tight-lipped about the judge’s action when contacted on Wednesday.

Koy Kuong, spokesman for the Ministry of Foreign Affairs, and Council of Ministers spokesman Phay Siphon both declined to comment, saying they had yet to see the letters.

Representatives for Heng Samrin, Chea Sim and Keat Chhon could not be reached. Senior CPP lawmaker Cheam Yeap told the Post that he did not know the substance of the letter summonsing Heng Samrin to court but that it was his “personal right to decide whether to go [to the court] or not”.

You Bun Leng, the court’s Cambodian Co-Investigating Judge, said he was too busy to comment.