

Govt testimony could bias KRT: PM

BY SEBASTIAN STRANGIO AND CHEANG SOKHA

THE testimony of senior government officials could prejudice the Khmer Rouge tribunal's upcoming case against four former regime leaders, Prime Minister Hun Sen said on Thursday, a day after the court made public documents

summoning six senior government officials to appear as witnesses at the hybrid court.

"These [officials] made the Pol Pot regime collapse, and they adopted the law on the Khmer Rouge tribunal, so if they go as witnesses, it would make the accused persons guilty," Hun Sen said during a speech at Chaktomuk theatre on Thursday. "How is justice to

be done? My main problem is that turning the plaintiffs into witnesses would doom the accused."

The premier was responding to six letters of summons, dated September 25 and bearing the signature of International Co-Investigating Judge Marcel Lemonde, requesting that six government 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 tribunal to provide testimony "in the framework of the investigation under way against Nuon Chea, Ieng Sary, Khieu Samphan and other leaders".

Council of Ministers spokesman Phay Siphon echoed the

premier's statements, saying the testimony of senior government officials was "not necessary", since there are witnesses and documentary evidence to spare.

"I think there's enough proof already. It's not necessary. This court has to be fair for both parties," he said.

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On Thursday, it remained unclear whether the six officials would obey the summons and appear in court. Foreign Ministry spokesman Koy Kuong said his boss, Hor Namhong, was too busy to have considered the issue, and officials representing Chea Sim, Heng Samrin and Keat Chhon declined to comment.

Senator Sim Ka could not be reached on Thursday, while Senator Ouk Bunchhoeun said that he "did not wish to elaborate" on the matter.

Pack your bags

A day earlier, government spokesman Khieu Kanharith said that though the individuals could appear in court voluntarily, the government's position was that they should not give testimony. He said that foreign officials involved in the court could "pack their clothes and return home" if they were not satisfied with the decision.

According to Rule 60 of the internal rules of the ECCC, if any witness refuses a summons to appear in court, the co-investigating judges may issue an order "requesting the judicial police to compel the witness to appear".

If any of the six officials do fail to appear, however, the tri-

bunal could face some thorny challenges in implementing the rule.

"The questions are whether Judge Lemonde would issue an order pursuant to Rule 60 and whether the judicial police would serve it [to the officials]," said Heather Ryan, a trial monitor at the Open Society Justice Initiative.

"We don't yet know the answers to either of those questions."

Ryan said that making the cover letters of the summonses public would "increase the transparency of the court and, hopefully, the chances that the summonses are respected".

Court officials expressed hopes on Thursday that the officials would obey the court's request regardless of their role in setting up the Khmer Rouge trial process.

"We would expect that any law-abiding citizen would comply with a summons issued by a court of law," said tribunal spokesman Lars Olsen.

"That would apply especially to any representative of organs that played a crucial role in setting up the ECCC."

Although the cover letters to the summonses bear only the signature of Lemonde, observers and court officials downplayed speculation of a rift between the international investigating



Prime Minister Hun Sen arrives at Chaktomuk Theatre on Thursday for a ceremony marking the 30th anniversary of the National Bank of Cambodia. AFP

judge and his Cambodian counterpart, You Bun Leng.

"The fact that the cover letters were signed by Judge Lemonde alone is significant only if the attached summonses were also signed only by Judge

Lemonde and if his Cambodian counterpart declined to sign them because he did not agree that the documents should be issued," Ryan said.

Olsen said he could not say whether one or both signatures

appeared on the official summonses since the documents had not been made public.

You Bun Leng did not wish to comment when contacted on Thursday. ADDITIONAL REPORTING BY AFP