

KR leadership fair game: PM

Vong Sokheng and David Boyle

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Prime Minister Hun Sen is weighing his legal options in response to accusations from Nuon Chea's defence lawyer that the premier has violated his client's right to a fair trial by publicly condemning him as a Khmer Rouge killer.

During a closed-door meeting with government officials and civil society representatives on Friday, the premier said he would not be prevented from freely expressing himself about Nuon Chea's alleged crimes under the Khmer Rouge.

"Preventing me from speaking to condemn Nuon Chea and Pol Pot regime means that I was wrong to fight to topple the Pol Pot regime," he was recorded saying.

"Look! Together help to defend me and do not allow Nuon Chea's lawyer to act arrogantly."



Pha Lina/Phnom Penh Post

On January 10, Nuon Chea lawyer Michiel Pestman Prime Minister Hun Sen speaks in Phnom Penh in December. called on the tribunal's judges to "officially condemn" statements the premier reportedly made in Vietnam in which he condemned Nuon Chea for his alleged crimes under the Khmer Rouge.

In October, Pestman filed a criminal complaint with Phnom Penh Municipal Court against the prime minister and other high-ranking government officials, calling for an investigation into their alleged interference in the court.

Pestman told the Post yesterday he would pursue this legal action "more than ever" now and would also file a motion to the ECCC calling on the court's trial chamber to stop the premier from making further comments that could prejudice the case.

"There's no tradition of an independent judiciary in this country, you just do what the prime minister says, so if the prime minister expresses his opinion about my client's guilt, then what's the point of the trial," he said.

Key Tech, one of Hun Sen's senior lawyers, refused to speak specifically about what legal course the premier will take, but said in general terms that every citizen, not only the prime minister, had the right to counter-sue someone who filed a complaint against them.

"If a litigant abuses the rights of one party, then the victim has the right counter-sue," he said.

Clair Duffy, a Tribunal Monitor with the Open Society Justice Initiative, said senior politicians such as a prime minister should not be commenting on the guilt or innocence of a defendant during their trial, in any country.

"I think it's especially the case in Cambodia, where judicial independence is still in its infancy –

those foundations are still being built – and it’s even more so the case at the ECCC, because we know there have been issues with political interference in the court,” she said.

“The risk really is that allegations of political interferences that have been mostly limited to cases 003 and 004 until now could seep into Case 002.”

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