

Scope of Trial Under Debate
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Defence teams have reacted strongly against continued attempts from Khmer Rouge tribunal prosecutors to have the scope of the first “mini-trial” in Case 002 expanded.

In filings released over the weekend, defence teams for former Khmer Rouge ideologue Nuon Chea and former Deputy Prime Minister for Foreign Affairs Ieng Sary protested prosecution appeals to include two extra crime sites in what is referred to as Case 002/1.

“The OCP now seems to pin its hopes on the Supreme Court Chamber to assist in circumnavigating the Trial Chamber’s discretionary decision,” counsel for Ieng Sary wrote in a November 19 filing.

On September 22, 2011, shortly before the substantive commencement of hearings in Case 002, Trial Chamber judges decided to split the landmark case into a series of discrete cases dealing with separate crimes.

The first, currently underway, predominantly examines the forced movement of people out of Phnom Penh in April 1975.

The prosecution recently filed an immediate appeal to the tribunal’s highest judicial body requesting crimes at the notorious detention centre S-21 and alleged killings at District 12 be included in what they believe will be the only case heard against the three aging leaders on trial.

The matter was testily discussed behind closed doors in an August trial management meeting this year, which by all accounts garnered no consensus from the parties on possible expansion of Case 002/1.

Significantly, Civil Party lawyers are in support of an expansion of the first trial to benefit the about 2,000 civil parties admitted to Case 002.

“In no case can the civil parties believe that the expeditiousness of the trial should carry more weight than its meaning, including symbolic meaning,” the lawyers said in a November 21 filing.