



'Double jeopardy' claimed in case of ex-Khmer aide

By Ker Munthit

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PHNOM PENH, Cambodia - Lawyers for the former Khmer Rouge foreign minister told Cambodia's genocide tribunal yesterday that its case against him violated "double jeopardy" principles because he already had been convicted of crimes against humanity and pardoned.

The U.N.-assisted court has charged Ieng Sary, 82, with crimes against humanity and war crimes, and he appeared before the panel yesterday for a second day to argue that he should be freed from pretrial detention. The hearing was set to continue today.

On Monday, his lawyers argued that Ieng Sary should be released because of ill health. Yesterday, they made a case for double jeopardy - the right not to be judged twice for the same crime.

The tribunal, jointly run by Cambodian and international personnel, is seeking to establish accountability for atrocities committed by the communist group when it ruled Cambodia from 1975 to 1979.

Khmer Rouge policies resulted in the deaths of 1.7 million people from starvation, disease, overwork and execution.

Ieng Sary was condemned, in absentia, to death after being convicted of genocide by a tribunal set up by a communist government installed after Vietnamese troops toppled the Khmer Rouge in 1979.

The tribunal conducted a classic Soviet-style show trial, with no real effort to present a defense.

In 1996, then-King Norodom Sihanouk pardoned Ieng Sary as a reward for breaking away from the Khmer Rouge and leading his followers to join the government.

One of Ieng Sary's lawyers, Michael Karnavas, argued that although some international tribunals had allowed "cumulative prosecutions," this was not permitted under Cambodian law.

Co-prosecutor Yet Chakriya said the charges Ieng Sary now faced - crimes against humanity and war crimes - differed from those leveled in 1979. Co-prosecutor William Smith said double jeopardy did not apply because the 1979 proceedings did not comply with any internationally recognized standards for a trial.

The tribunal plans to hold its first trial later this year.