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Khmer Rouge cadre says trials cannot be fair - lawyer

By Ek Madra

PHNOM PENH, July 5 (Reuters) -- A lawyer defending one of Pol Pot's surviving henchman said on Wednesday his client could not get a fair trial because nearly all Cambodian judges on the Khmer Rouge tribunal had lost relatives in the genocide.

Kar Savuth, lawyer for the notorious prison commander Duch, said he would boycott the trials of surviving Khmer Rouge leaders accused of responsibility for deaths of 1.7 million people.

"How do you expect Cambodian judges, whose relatives died under the Khmer Rouge, to pass fair judgment on my client?" he told Reuters.

"Of course they will give my client severe punishment so I will boycott the trial."

Almost every Cambodian family lost relatives under the 1975-79 Khmer Rouge regime and none of its top leaders, some of whom are alive and living quietly in Cambodia, has faced trial.

Pol Pot, "Brother Number One", died in 1998 in his jungle hideout nearly a decade after a Vietnamese invasion ousted the regime.

"Brother Number Two" Nuon Chea, former head of state Khieu Samphan and former Foreign Minister Ieng Sary are living in the northwest near the Thai border.

On Monday, 17 Cambodian and 10 foreign legal experts were appointed to the tribunal and they promised to be impartial and ignore any pressures.

Tribunal spokesman Reach Sambath said the Cambodian judges "will use the law to judge the Khmer Rouge, not their emotions."

No firm date has been set but the trials could begin early next year after prosecutors assemble their cases.

Only two top cadres are in custody accused of war crimes, genocide and crimes against humanity.

Duch, 64, ran the Tuol Sleng interrogation centre where few prisoners survived after the Khmer Rouge emptied Phnom Penh and other cities

on taking power after a civil war.

The other detained cadre is 82-year-old Ta Mok, the one-legged Khmer Rouge military chief who has said he wanted a swift trial.

Ta Mok's lawyer, Benson Samay, said he was not worried about potential bias against his client.

"I think we are fine because we have foreign judges involved," he said, adding he was more concerned about getting the trials underway.

"Don't wait for the Khmer Rouge to die before they get the chance to tell the court what happened," he said.

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