

ECCC Defense Support Section Rejects Claim That Lawyers Are ‘Criminal’

George Wright, 6 August 2016, The Cambodia Daily

The Khmer Rouge tribunal’s Defense Support Section (DSS) on Friday released a statement rejecting accusations made by French historian Henri Locard that the court’s defense lawyers were behaving in a “criminal” and “perverse” manner, while the academic stood by his comments and claimed the lawyers were attempting to cover up the truth.

On Tuesday, Mr. Locard accused defense lawyers for the regime’s second-in-command Nuon Chea and former head of state Khieu Samphan of subjecting him to “cold torture” during his time on the stand as an expert witness. In the media, he took his attacks further, branding their behavior as “criminal” and “perverse.”

In response, the DSS on Friday rebuked Mr. Locard’s accusations, citing the importance of ensuring the two defendants’ right to a fair trial.

“In particular, DSS objects to the expert’s reported use of words like ‘criminal’ and ‘perverse’ to describe the conduct or personalities of the Defence Counsel representing accused persons before the [Extraordinary Chambers in the Courts of Cambodia],” the statement said. “When Defence Counsel question a witness, they are not only discharging their professional duty, but they are also ensuring that the human rights of the accused are protected.”

Mr. Locard said he stood by his previous claims, and accused the lawyers of attempting to hide the truth about the Pol Pot regime.

“Particularly Nuon Chea, it seems like the defense lawyers are so horrified by what [the defendants] say that they seem to encourage them to remain in their silence,” Mr. Locard said. “They do everything to obfuscate the truth rather than for the truth to come out.”

Offering up some suggestions for alternate ways for the lawyers to defend their clients, Mr. Locard suggested that they should have agreed to psychiatric assessments for the former Khmer Rouge leaders.

“They could have accepted a psychiatric examination of their client,” he said. “Even you hear some of the declarations of Nuon Chea—so far removed from reality, seeing plots of enemies absolutely everywhere. We can have doubts with their sanity.”