

Khmer Rouge defendants can socialize, court says

Written by

Thursday, 02 October 2008 06:06

The last few days have been relatively slow in terms of court developments because of the Pchum Ben holiday, but an interesting [decision](#) was posted on the ECCC website today regarding communication among the five Khmer Rouge defendants.

The Pre-Trial Chamber has [granted an appeal](#) lodged by Nuon Chea's lawyers, which will potentially allow for greater contact among detainees awaiting trial at the ECCC. While the court had previously agreed to conjugal visits between married defendants Ieng Sary and Ieng Thirith, other communication among detainees has, until now, [been prohibited](#).

On May 20, the court issued an order concerning provisional detention conditions, in which it was determined the "detainees in the ECCC Detention Facility have not the right to communicate amongst themselves." Nuon Chea's lawyers appealed the order and the Pre-Trial Chamber chose to decide the issue based on the written submissions.

In a decision filed Sept. 26, judges at the Pre-Trial Chamber argued that the Co-Investigating Judges had failed to show "a concrete risk that the Charged Persons would collude to exert pressure on witnesses or victims while in detention."

Moreover, the Co-Investigating Judges have already had one year to collect substantial evidence from the detainees without fear of collusion or interference, according to the Pre-Trial Chamber.

"In all these circumstances, the Pre-Trial Chamber finds that there can be no reason related to investigation purposes justifying that contacts between the five Charged Persons currently detained at the ECCC Detention Facility be restricted," reads the Pre-Trial Chamber decision.

It will be the responsibility of the Chief of Detention to determine the logistics of visitation at the ECCC, the decision continues.

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In other recent postings on the ECCC website, Khieu Samphan's lawyers have [requested an oral hearing](#) to hash out debates over translation, and the court has invited a professor, the editor-in-chief of the *Journal of International Criminal Justice*, to [submit comments](#) about Joint Criminal Enterprise.