

Court "failing in its role to keep the public informed"

Written by
Thursday, 05 March 2009 20:00

Defense lawyers at the ECCC and court monitors [fired back at the tribunal yesterday](#) , charging the court with a lack of transparency. On Tuesday, Co-Investigating Judges had ordered Ieng Sary's defense lawyers to [remove allegedly confidential documents](#) from their website.

"Despite the confidentiality of the investigation, the ECCC is a public institution. The OCIJ is clearly failing in its role to keep the public informed about developments in the investigation," Andrew Ianuzzi, legal advisor to Nuon Chea's defense team, told the *Post*.

In a statement posted to the [controversial website](#) , Ieng Sary's lawyers wrote they had temporarily [removed several documents](#) pending a more complete legal response.

"By filing this submission at the precise time [Ieng's lawyer] Mr. Karnavas was on a plane back to The Netherlands suggests that this timing was a tactical decision by the OCIJ," the defense lawyers wrote in their statement. They went on to say that they will not "give in to attempts, deliberate or inadvertent, to limit our right to speak out publicly to protect our client's interests."

Another interesting point: In their statement, the defense lawyers noted the OCIJ's promise to "communicate more systematically about their activities in the future" and to "publish an increased number of documents with regard to the judicial investigation."

According to Ieng Sary's defense team, "this is a clear admission of the lack of transparency in the OCIJ's investigation thus far."

Recently, it appears that the court has become more sensitive about controlling information. This may be in response to several perceived leaks. In addition to documents filed on Ieng Sary's defense website, both the *Post* and *Cambodia Daily* published stories Monday about [confidential requests](#) from Nuon Chea's defense team.

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These requests "were received Saturday in an unsolicited email created under an apparently fictitious name," the *Daily* wrote. "The owner of the email account did not respond to requests for comment."