

The Phnom Penh Post

Foreign S-21 victim's brother set to testify

Robbie Corey-Boulet

August 17, 2009

An Olympic rower from New Zealand whose brother was sent to Tuol Sleng after his yacht drifted into Cambodian waters and a woman who was still in the womb when her father was sent to the torture facility are among a group of 18 civil parties expected to testify at the Khmer Rouge tribunal over the next two weeks as the trial of prison chief Kaing Guek Eav, alias Duch, begins to hear from people who claim to have lost relatives to the regime.

The seven civil parties who have already testified claimed to be survivors and were called to offer evidence. By contrast, several civil party lawyers said in recent interviews that they would use the coming sessions to illustrate what Alain Werner, who has four clients appearing, termed "the trauma of the second generation".

Referring to the woman whose father died before she was born, Werner said, "What we hope to show with this testimony ... is that the entire life of our client was so deeply affected, even if she never actually met her own father. This absence completely changed her life."

Silke Studzinsky, another civil party lawyer, said the testimony would also provide more information on some of the regime's "direct victims".

"I think this can shed light on some of the direct victims who cannot speak anymore and who were killed," she said.

She said she also planned to ask them whether Duch's confession and oft-repeated apology served as any consolation for the losses they sustained, a question that she said could influence whatever sentence is handed down.

In a memorandum dated August 5, the Trial Chamber announced that civil party lawyers would drive the questioning for this phase of testimony, marking a change from the first seven civil parties, who were mainly questioned by judges.

Several civil party lawyers said they thought the decision made sense, though Hong Kim Suon said he was worried that lawyers would still not have enough time to sufficiently demonstrate a link between their clients and the established facts of the Duch case.

The credibility of several of the first civil parties was called into question by the defence team, which in some cases pointed out inconsistencies in their statements over time and in others challenged the fundamental premises of their recollections.

Kar Savuth, Duch's Cambodian defence lawyer, said he believed only some of the civil parties' recollections were truthful.

"I think some of them are not the real victims," he said, adding that the defence would likely challenge some of the upcoming civil parties, though he said no set number had been decided.

"We will wait to see the process of the testimony," he said. "Then we will decide how many of them we will kick out."