



CIVIL PARTIES SHARE STORIES OF SORROW

August 18, 2009

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Today, the court continued to hear testimony from the civil parties in the trial of Kaing Guek Eav (alias Duch). During the last two days, the court has received the testimony of seven civil parties and is thus progressing at a quicker pace than scheduled.

“Never, never will I forgive him”

The morning session began with the testimony of Antonia Tioulong, a French national of Cambodian parents. Her sister, Raingsy Tioulong and her brother in law, Lim Ki-Mari, were both detained as prisoners at Tuol Sleng prison (S-21) and executed. Antonia Tioulong testified in her capacity as a civil party, but was also there as a spokesperson for her entire family.

Her father was a high ranking official affiliated with the government of Prince Sihanouk. Due to his prominent role in that government, the Tioulong family was exiled from Cambodia in 1970 after Lon Nol took control of the country. Despite this order, Raingsy Tioulong decided to stay in Cambodia and was able to do so by using her husband's name. Raingsy and her husband did not want to uproot their life in Cambodia where she worked as an anchor for a French radio station and he worked as a banker. However, as the political and security situation deteriorated in Cambodia, Raingsy sent her children to Paris to receive a good education in a safe environment. The family last heard from Raingsy in March of 1975. Thereafter they endured many difficult years of silence. After the fall of the Khmer Rouge, France opened its borders to many Cambodian refugees. However, Raingsy and her husband were not among those who made it to French soil for they had already perished at the hands of the horrific regime.

The Tioulong family was later reunited with cousins who had made it to France as refugees. The stories they recounted were horrifying. They had gone through hell – but they could be considered the lucky ones. The family had to relay the terrible news that Raingsy and her husband were not so lucky, for they had not survived the brutal regime. They had been imprisoned and executed at S-21. This news was devastating and came as a tremendous shock to the Tioulong family.

The family members had a very difficult time coping with their loss and everyone managed to grieve in their own way. Raingsy's children developed many psychological problems. Psychiatrists confirmed that their symptoms were directly linked to the trauma relating to the death of their parents. They could not appear in court because they were not ready to face the

accused. Antonia Tioulong had lost a sister, her parents had lost a daughter, and her nieces and nephews had lost a mother.

She emphasized that an apology is not enough for justice to be done and she urged the tribunal to punish Duch in a manner which is commensurate with the crimes he committed. She noted that during the Nuremberg trials, many of those who were found guilty were sentenced to death. She did not seem to be insinuating that she hoped this tribunal would mimic the Nuremberg courts in its sentencing, but rather was simply illustrating the gravity of his crimes from a historical perspective. (The death penalty is a prohibited form of punishment in this tribunal.) She lamented the fact that while Duch was receiving a fair trial and being given adequate accommodations, all of his victims were denied those basic rights. For that, she stated emphatically, “Never, never will I forgive him.”

Cambodian Civil Parties Testify

The chamber then called Hav Sophea to testify about the loss of her father, Chan Sea, at S-21. Her father was a soldier but was arrested in 1976 and was executed on the 15th of May of the same year. Just like Ouk Neary, one of yesterday’s civil parties, Sophea never knew her father, but still suffered terribly from his disappearance and death. She was born 21 days subsequent to Chan Sea’s arrest. She and her mother had to wait many years before receiving information regarding the circumstances of his death.

Sophea tearfully described growing up without a father as a “struggle to hold on to life.” The absence of her father caused the family financial, physical, and emotional hardship. Her dream was to become a school teacher but she had to quit school at grade seven because her mother had no more money to continue funding her studies. When her mom finally received documentation showing that her husband had been executed at S-21, she burst into tears. Her mother did not apply to become a civil party because she still cannot face the accused. Sophea described her own suffering and the pain that she felt – a pain that was magnified by the realization that her father died under such cruel circumstances. After her own visit to S-21, she sustained recurring and vivid nightmares. She explained emotionally that she had never seen his face when he was alive, but could not escape his image after his death.

The third civil party called to testify was So Song. Like countless others, she lost her brother-in-law at the hands of the Khmer Rouge regime. Before her testimony got underway, the civil party and defense lawyers held an intensive exchange over the admissibility of the civil party’s testimony. The defense argued that there were enough discrepancies with the documents provided to call into question the civil party’s actual relationship to the brother in law, and whether he was in fact detained and executed at S-21. Despite the fact that it is the civil party who bears the burden of proof to provide a link between the civil party and the accused, the President decided first to hear the testimony and only later to determine the probative value of such testimony based on the veracity of the witness.

So Song represented her sister as a civil party because her sister was too ill to testify on her own. She explained that she had been living with her sister and her brother-in-law since she was seven years old. Her relationship with them was as much a relationship of parent-child as it was of sibling-sibling. Song explained that after they learned of her brother-in-law’s death, her and her sister’s life began to deteriorate. She concluded emotionally, “He was a dear husband, a dear father, and a dear brother – we all cried.”

The final civil party to be called was Neth Phally. Both he and his brother were in the same military unit. His brother was seriously wounded in battle in 1978 and was sent to the hospital in Phnom Penh. There, Neth went to see him twice. Upon his third visit, Neth found only an empty hospital room. No one could tell him where his brother was transferred. He never saw his brother again. He searched for his brother for many months with no success, but still held out hope that his brother was alive. That hope ended in June 2004 when DC-Cam found the biography of Neth Phally's brother. This discovery deeply saddened Neth and his family. Neth Phally still lives with great suffering knowing that his brother perished at S-21, a prison where detainees were not only executed, but were tortured in a most horrific manner.