



VICTIM FAMILIES REFUSE TO FORGIVE DUCH

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The first civil party to testify this morning in the trial of Kaing Guek Eav (alias Duch) was Chum Sirath. He lost two of his brothers, his sister-in-law, and her unborn child during the period of Democratic Kampuchea. He was in Europe on April 17, 1975, when Phnom Penh fell to the Khmer Rouge. He decided not to return home for fear of being arrested by the Khmer Rouge as an enemy of the regime. Instead he moved to France and was granted French citizenship.

The rest of his family was not so lucky. His family was very poor but they were a very happy family. His parents wanted to educate their children so that their children could lead a better life. Chum Sirath had been awarded a scholarship to study in France from 1960 until 1968. His younger brother, also a bright student, was awarded a similar scholarship during that time, but he decided not to travel to France so that he could take care of his family. As a primary school teacher, he was the breadwinner of the family.

On October 29, 1976, Chum Sirath's two brothers and sister-in-law were arrested and sent to Tuol Sleng prison (S-21) for allegedly opposing the system of collectivization. His brothers were 28 and 33 years old, and like virtually every other prisoner at S-21, they never made it out alive. Chum Sirath visited S-21 upon his first return to Cambodia in October 1993 and found a record that one of his brothers had been executed on the first of January, 1977. The name of his other brother also appeared in the detention records of S-21 but no date of entry or death was ever recorded.

Chum Sirath has lived with sorrow and pain for over 30 years. This pain seemed to manifest itself in the courtroom today as his testimony transitioned into an emotional condemnation of the accused. He stared directly at Duch, pointed toward him, and spoke forcefully. He accused Duch of pure theatrics. He stated that he did not believe Duch to be truly remorseful. He criticized Duch's conversion to Christianity as nothing more than an attempt to have his sins absolved, which he could not accomplish as a Buddhist. He emphatically stated that on behalf of his brother, sister-in-law, and her unborn daughter, he would never accept Duch's disingenuous apology.

The defense counsel interrupted Chum Sirath twice and asked the court to preserve the serenity and dignity of the hearing by reminding him to speak about only facts related to his particular case. The President acknowledged Chum Sirath's suffering but asked him to refocus his testimony on the relevant facts. The main purpose of the tribunal, he explained, was to find justice and not to affront anybody, including the accused.

When given a chance to respond, Duch reiterated his sympathy and remorse. He explained that he knew Chum Sirath's brothers and considered them friends. However, he consciously avoided them because he could not stand to face the former friends and colleagues he had betrayed.

Live Testimony from France via Video Conference

The trial chamber began the afternoon session by receiving the testimony of civil party Ou Savrith. He testified live by video conference from France. (While in-person testimony is favored, the Internal Rules at the ECCC permit testimony by video conference so long as the witness can be interviewed live by the judges and testimony in this manner would not be seriously prejudicial to, or inconsistent with defense rights.)

Just like Chum Sirath, who testified in the morning session, Ou Savrith lost a brother at S-21. Ou Savrith also escaped the brutality of the Khmer Rouge regime because he was living abroad during the period of Democratic Kampuchea. He explained that his brother was a very gifted student and was on track for a brilliant career. He was married and left three children behind. Ou Savrith described his brother as affectionate and attentive. In fact, his eldest brother was his ultimate role model.

Ou Savrith explained that he has missed his brother at all stages of his life. He has spent roughly 10,950 days and nights (30 years) thinking about what happened inside the walls of S-21. He would wake up in the middle of the night sobbing uncontrollably. The rest of his family suffered in the similar ways. He read aloud a letter from his niece explaining the difficulties she has experienced growing up without a father.

Ou Savrith explained that he was only seeking moral redress. He wanted simply to know what happened during his brother's detention, during his 97 days of suffering. He remarked that the handwriting in his brother's confession was strong and harmonious. He did not believe that such writing could have been made under torture. In what must have been a very difficult moment for Ou Savrith, Duch stated that he could not confirm Ou Savrith's conclusion. He explained that torture methods were often employed by interrogators and Ou Savrith's brother could certainly have been subjected to such practices.

Asked whether he was ready to forgive the accused, Ou Savrith responded that the answer was clear – on behalf of his entire family there would be no forgiveness. All that they were left with was despair. Now, all that they seek is justice.

Abrupt Conclusion to Day's Proceedings

The trial chamber then recalled civil party Chum Neou to the stand. She had been introduced at the very end of the morning session but had not been given a chance to begin her substantive testimony. She explained that in 1971 she voluntarily joined the revolution. In the years that followed she served as a chairwoman of her village, a combatant in the armed forces, and finally as a guard to an ammunition warehouse in Phnom Penh.

She worked in these various roles until August 9, 1977. On that date, her husband was arrested, loaded onto a truck, and taken to S-21. Three days later, she was arrested and sent to a different detention camp. She was detained there for five months during which time she

gave birth to a baby boy. Despite her pregnancy she was still put to work cutting firewood and fetching water. After the five month period she was transferred to the Prey Sar reeducation camp (S-24), where her baby eventually died of illness.

The audio on the headsets abruptly stopped working as she began to describe her detainment at S-24. The technical personnel of the court could be seen running around the chamber in an attempt to correct this problem. It was very late in the afternoon and the large audience in the public viewing room became visibly restless. After about 15 minutes, the judges stood up and adjourned the session but no one outside the courtroom could hear what had been said. Unfortunately, Chum Neou's testimony was cut short for the second time and she will have to resume when the court reconvenes.