



CIVIL PARTIES BOYCOTT START OF CHARACTER WITNESS TESTIMONY WHILE EXPERTS OFFER PSYCHOLOGICAL ASSESSMENT OF DUCH

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The civil parties that have consistently attended the trial of Kaing Guek Eav (alias Duch) were conspicuously absent from the courtroom this morning. In an impromptu press conference held at the entrance of the court just minutes earlier, Chum Mey, a civil party and survivor of Tuol Sleng prison (S-21), explained that 28 civil parties were boycotting the proceedings this week to contest the trial chamber's ruling that barred their lawyers from questioning character witnesses. The civil parties expressed their dismay at what they perceived as a restriction of their legal rights and a silencing of their lawyers. They argued that truth and justice could not be achieved if they were not given the opportunity to question character witnesses to help them understand the motivations and intentions of the accused.

The civil parties planned to release an open letter to the trial chamber to request a reversal of its decision. It is unclear whether the civil party attorneys will formally appeal the trial chamber's decision. (While certain types of decisions considered to be particularly prejudicial to one of the parties are subject to an immediate interlocutory appeal, an appeal against this particular decision would have to be made at the same time as an appeal against the judgment on the merits.)

The civil parties also expressed several complaints of unequal treatment between the civil parties and the defense. They noted that while Duch is well-fed and is provided adequate accommodations by the tribunal, civil parties are given no assistance and many struggle with their daily living conditions. Similarly, they explained that while the defense counsels are paid a generous salary by the tribunal, the civil party lawyers receive no compensation and are often required to work on a pro-bono basis. They also complained that Duch has insulted the victims of S-21 with certain comments made to the tribunal. Finally, they asserted that the delay in naming a replacement for the outgoing international co-prosecutor Robert Petit is further exacerbating the imbalance between the defense and prosecution. (On August 29, the Supreme Council of Magistracy of Cambodia chose the current deputy international co-prosecutor, William Smith, to serve as the acting international co-prosecutor until a permanent replacement is appointed.)

Experts present findings of psychological assessment of Duch

After a brief explanation from Alain Werner regarding the absence of the civil parties, the trial chamber swore in Françoise Sironi-Guildbaud, a French psychologist, and Ka Sunbaunat, a Cambodian psychiatrist, to jointly present a summary of their psychological assessment of Duch, which they performed at the request of the Office of Co-Investigating Judges. Their findings were based on thirteen interviews with Duch as well as an assessment of his actions such as his emotional apology to victims at S-21 and Choeng Ek.

They testified that Duch never suffered from a mental disorder but that he resorted to many psychological defense mechanisms which enabled him to act in the way he did. He often took actions under the rationalization that he had no other choice. He isolated himself and avoided many situations so that he would not see and hear what was happening within the prison walls. Most notably he resorted to psychological “splitting” in which he was able to separate different and contradictory activities in his life. This allowed him to accept two contradictory versions of reality and explains how he was able to engage in certain conduct such as having children and being a good father while concurrently presiding over a prison where children were being systematically executed.

One of the hotly contested issues during the trial has been the genuineness of Duch’s apology and stated remorse. Many civil parties have rejected Duch’s apologies, accusing him of insincerity. Despite questioning from the prosecution and the defense, the experts refrained from opining directly on this issue. However they did reiterate their observation that Duch’s demeanor shifted throughout the period of their evaluation. They explained that in the later series of interviews he displayed a much greater capacity for sympathy and a desire to help provide reparations. They also noted that unprompted by questioning, Duch expressed his remorse and informed them that he would seek forgiveness.

Guildbaud and Sunbaunat also addressed Duch’s conversion to Christianity which has been criticized by many as nothing more than an attempt to have his sins absolved. They explained that this concept of baptismal rebirth offered him the possibility of achieving a new identity and personality, despite the sins of his past.

Finally, Guildbaud and Sunbaunat suggested that Duch could be rehabilitated. In an attempt to challenge this determination, the prosecution argued that a full rehabilitation would not be possible because even if Duch was personally ready and willing, the society in which he would need to be rehabilitated would not accept him. Sunbaunat responded by suggesting that even though members of the society were not ready to forgive Duch, he could nonetheless live within that society, just as many other Khmer Rouge leaders have done since the government’s policy of reconciliation.