

The Phnom Penh Post

KRT civil parties plan appeal **Sam Rith** **August 24, 2010**

A group of civil party lawyers at the Khmer Rouge tribunal has announced that it will appeal judgments on reparations and admissibility for its clients, becoming the first civil party group to file notice of plans to challenge the court's rulings on victims.

A notice of appeal against the judgment by civil party group 3 was posted on the court's website yesterday. Group 3 lawyer Kim Mengkhy said the appeal itself would be filed within 15 days.

"We are appealing because we want the tribunal's Supreme Court Chamber to accept all civil party complaints," Kim Mengkhy said. "We also want the court grant compensation to the victims."

With its judgment last month against former Tuol Sleng prison chief Kaing Guek Eav, alias Duch, the Khmer Rouge tribunal became the first international war crimes court to complete a trial in which victims were given full participation rights. Ninety victims participated as civil parties for the duration of the proceedings, granted the right to attorney and, in some cases, the opportunity to speak before the court.

After months of hearings, however, many civil parties were surprised to learn during the announcement of the verdict that their claims had been rejected. In explaining these rejections, the court's Trial Chamber said the civil parties in question had not been proved to have suffered directly at prisons administered by Duch, or had "failed to prove close kinship or bonds of affection or dependency" with victims of such prisons.

The claims of 24 civil parties were denied in this fashion, including clients on whose behalf Kim Mengkhy and his colleagues are appealing.

In addition to filing the appeals on admissibility, Kim Mengkhy said his group planned to challenge the judgment on reparations.

The court's internal rules empower judges to grant "collective and moral" reparations to qualifying civil parties, and as part of last month's ruling, the Trial Chamber announced that requests to have the names of civil parties printed in the verdict and to have statements of apology made by Duch at trial collected and published had been granted. Other requests, such as calls for a memorial stupa or funds for victims, were rejected because they either lacked specificity or were beyond the scope of possible reparation options available to the court, which cannot grant monetary compensation.

Despite the limited scope for reparations, some observers charged in the aftermath of the verdict that the judges had been unimaginative in crafting awards for civil parties, and urged the court to reconsider the decision. A number of civil party lawyers said following the verdict that they were considering appealing the reparations decision.

"We want to see stupas built with the names of the victims, the conservation of evidence and memorial buildings, further publication of the verdict, and so forth," Kim Mengkhy said.